

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 61

Short Title: Immunity From Liability.

(Public)

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Sponsors: Representatives Dickson; Ives, Cummings, McMahan, Culp, and Dockham.

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Referred to: Agriculture.

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January 30, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE IMMUNITY FROM LIABILITY FOR EQUINE ACTIVITIES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 106 of the General Statutes is amended by adding a new Article to read:

**"ARTICLE 67.**

**"EQUINE ACTIVITY LIABILITY IMMUNITY.**

**"§ 106-801. Purpose; findings.**

The General Assembly recognizes that persons who participate in equine activities may incur injuries as a result of the risks involved in such activities. The General Assembly also finds that the State and its citizens derive numerous economic and personal benefits from such activities. The General Assembly finds, determines, and declares that this Article is necessary for the immediate preservation of the public peace, health, and safety. It is, therefore, the intent of the General Assembly to encourage equine activities by limiting the civil liability of those involved in such activities.

**"§ 106-802. Definitions.**

As used in this Article, the term:

- (1) 'Engage in an equine activity' means riding, training, providing or assisting in providing medical treatment of, driving, or being a passenger upon an equine, whether mounted or unmounted, or any

1 person assisting a participant or show management. The term 'engages  
2 in an equine activity' does not include being a spectator at an equine  
3 activity, except in cases where the spectator places himself in an  
4 unauthorized area and in immediate proximity to the equine activity.

5 (2) 'Equine' means a horse, pony, mule, donkey, or hinny.

6 (3) 'Equine activity' means:

7 a. Equine shows, fairs, competitions, performances, or parades that  
8 involve any or all breeds of equines and any of the equine  
9 disciplines, including, but not limited to, dressage, hunter and  
10 jumper horse shows, grand prix jumping, three-day events,  
11 combined training, rodeos, driving, pulling, cutting, polo,  
12 steeplechasing, English and western performance riding,  
13 endurance trail riding and western games, and hunting;

14 b. Equine training or teaching activities, or both;

15 c. Boarding equines;

16 d. Riding, inspecting, or evaluating an equine belonging to another,  
17 whether or not the owner has received some monetary  
18 consideration or other thing of value for the use of the equine or  
19 is permitting a prospective purchaser of the equine to ride,  
20 inspect, or evaluate the equine;

21 e. Rides, trips, hunts, or other equine activities of any type however  
22 informal or impromptu that are sponsored by an equine activity  
23 sponsor;

24 f. Placing or replacing horseshoes on an equine; and

25 g. Examining or administering medical treatment to an equine by a  
26 veterinarian.

27 (4) 'Equine activity sponsor' means an individual, group, club, partnership,  
28 or corporation, whether or not the sponsor is operating for profit or  
29 nonprofit, which sponsors, organizes, or provides the facilities for an  
30 equine activity, including, but not limited to, pony clubs; 4-H clubs;  
31 hunt clubs; riding clubs; school- and college-sponsored classes,  
32 programs, and activities; therapeutic riding programs; and operators,  
33 instructors, and promoters of equine facilities, including, but not limited  
34 to, stables, clubhouses, ponyride strings, fairs, and arenas at which the  
35 activity is held.

36 (5) 'Equine professional' means a person engaged for compensation in:

37 a. Instructing a participant or renting to a participant an equine for  
38 the purpose of riding, driving, or being a passenger upon the  
39 equine;

40 b. Renting equipment or tack to a participant; or

41 c. Examining or administering medical treatment to an equine as a  
42 veterinarian.

- 1           (6) 'Inherent risks of equine activities' means those dangers or conditions  
2 which are an integral part of equine activities, including, but not limited  
3 to:  
4           a. The propensity of an equine to behave in ways that may result in  
5 injury, harm, or death to persons on or around them;  
6           b. The unpredictability of an equine's reaction to such things as  
7 sounds, sudden movement, and unfamiliar objects, persons, or  
8 other animals;  
9           c. Certain hazards such as surface and subsurface conditions;  
10          d. Collisions with other equines or objects; and  
11          e. The potential of a participant to act in a negligent manner that  
12 may contribute to injury to the participant or others, such as  
13 failing to maintain control over the animal or not acting within  
14 his or her ability.  
15          (7) 'Participant' means any person, whether amateur or professional, who  
16 engages in an equine activity, whether or not a fee is paid to participate  
17 in the equine activity.

18 **"§ 106-803. Immunity from liability.**

19          (a) Except as provided in subsection (b) of this section, an equine activity sponsor,  
20 an equine professional, or any other person, including a corporation or partnership, shall  
21 not be liable for an injury to or the death of a participant resulting from the inherent risks  
22 of equine activities and, except as provided in subsection (b) of this section, no  
23 participant or participant's representative shall make any claim against, maintain an action  
24 against, or recover from an equine activity sponsor, an equine professional, or any other  
25 person for injury, loss, damage, or death of the participant resulting from any of the  
26 inherent risks of equine activities.

27          (b) Nothing in subsection (a) of this section shall prevent or limit the liability of an  
28 equine activity sponsor, an equine professional, or any other person if the equine activity  
29 sponsor, equine professional, or person:

- 30           (1) Provided the equipment or tack, and knew or should have known that  
31 the equipment or tack was faulty, and such equipment or tack was faulty  
32 to the extent that it did cause the injury.  
33           (2) Provided the equine and failed to make reasonable and prudent efforts to  
34 determine the ability of the participant to engage safely in the equine  
35 activity and to safely manage the particular equine based on the  
36 participant's representations of his ability;  
37           (3) Owns, leases, rents, or otherwise is in lawful possession and control of  
38 the land or facilities upon which the participant sustained injuries  
39 because of a dangerous latent condition which was known or should  
40 have been known to the equine activity sponsor, equine professional, or  
41 person and for which warning signs have not been conspicuously  
42 posted;

