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Short Title: Equine Activities/Skating Rink Liability.

(Public)

Sponsors:

Referred to:

February 17, 1997

A BILL TO BE ENTITLED  
AN ACT TO CLARIFY RESPONSIBILITIES AND LIABILITY FOR EQUINE  
ACTIVITIES AND TO CLARIFY THE DUTIES OF ROLLER SKATING RINK  
OPERATORS AND SKATERS AT ROLLER SKATING RINKS RELATING TO  
LIABILITY.

The General Assembly of North Carolina enacts:

Section 1. The General Statutes are amended by adding a new Chapter to read:

**“CHAPTER 99E.**

**"EQUINE ACTIVITY LIABILITY.**

**"§ 99E-1. Definitions.**

As used in this Chapter, the term:

- (1) ‘Engage in an equine activity’ means participate in an equine activity, assist a participant in an equine activity, or assist an equine activity sponsor or equine professional. The term ‘engage in an equine activity’ does not include being a spectator at an equine activity, except in cases in which the spectator places himself in an unauthorized area and in immediate proximity to the equine activity.

- 1           (2) 'Equine' means a horse, pony, mule, donkey, or hinny.  
2           (3) 'Equine activity' means any activity involving an equine.  
3           (4) 'Equine activity sponsor' means an individual, group, club, partnership,  
4 or corporation, whether the sponsor is operating for profit or nonprofit,  
5 which sponsors, organizes, or provides the facilities for an equine  
6 activity. The term includes operators and promoters of equine facilities.  
7           (5) 'Equine professional' means a person engaged for compensation in any  
8 one or more of the following:  
9           a. Instructing a participant.  
10          b. Renting an equine to a participant for the purpose of riding,  
11 driving, or being a passenger upon the equine.  
12          c. Renting equipment or tack to a participant.  
13          d. Examining or administering medical treatment to an equine.  
14          e. Hooftrimming or placing or replacing horseshoes on an equine.  
15          (6) 'Inherent risks of equine activities' means those dangers or conditions  
16 that are an integral part of engaging in an equine activity, including any  
17 of the following:  
18          a. The possibility of an equine behaving in ways that may result in  
19 injury, harm, or death to persons on or around them.  
20          b. The unpredictability of an equine's reaction to such things as  
21 sounds, sudden movement, unfamiliar objects, persons, or other  
22 animals.  
23          Inherent risks of equine activities does not include a collision or  
24 accident involving a motor vehicle.  
25          (7) 'Participant' means any person, whether amateur or professional, who  
26 engages in an equine activity, whether or not a fee is paid to participate  
27 in the equine activity.

28 **"§ 99E-2. Liability.**

29       (a) Except as provided in subsection (b) of this section, an equine activity sponsor,  
30 an equine professional, or any other person engaged in an equine activity, including a  
31 corporation or partnership, shall not be liable for an injury to or the death of a participant  
32 resulting from the inherent risks of equine activities and, except as provided in subsection  
33 (b) of this section, no participant or participant's representative shall maintain an action  
34 against or recover from an equine activity sponsor, an equine professional, or any other  
35 person engaged in an equine activity for injury, loss, damage, or death of the participant  
36 resulting exclusively from any of the inherent risks of equine activities.

37       (b) Nothing in subsection (a) of this section shall prevent or limit the liability of an  
38 equine activity sponsor, an equine professional, or any other person engaged in an equine  
39 activity if the equine activity sponsor, equine professional, or person engaged in an  
40 equine activity does any one or more of the following:

- 41           (1) Provides the equipment or tack, and knew or should have known that  
42 the equipment or tack was faulty, and such faulty equipment or tack  
43 proximately caused the injury, damage, or death.

1           (2)   Provides the equine and failed to make reasonable and prudent efforts to  
2               determine the ability of the participant to engage safely in the equine  
3               activity or to safely manage the particular equine.

4           (3)   Commits an act or omission that constitutes willful or wanton disregard  
5               for the safety of the participant, and that act or omission proximately  
6               caused the injury, damage, or death.

7           (4)   Commits any other act of negligence or omission that proximately  
8               caused the injury, damage, or death.

9           (c)   Nothing in subsection (a) of this section shall prevent or limit the liability of an  
10           equine activity sponsor, an equine professional, or any other person engaged in an equine  
11           activity under liability provisions as set forth in the products liability laws.

12   "§ 99E-3. Warning required.

13           (a)   Every equine professional and every equine activity sponsor shall post and  
14           maintain signs which contain the warning notice specified in subsection (b) of this  
15           section. The signs required by this section shall be placed in a clearly visible location on  
16           or near stables, corrals, or arenas where the equine professional or the equine activity  
17           sponsor conducts equine activities. The warning notice specified in subsection (b) of this  
18           section shall be designed by the Department of Agriculture and Consumer Services and  
19           shall consist of a sign in black letters, with each letter to be a minimum of one inch in  
20           height. Every written contract entered into by an equine professional or by an equine  
21           activity sponsor for the providing of professional services, instruction, or the rental of  
22           equipment or tack or an equine to a participant, whether or not the contract involves  
23           equine activities on or off the location or site of the equine professional's or the equine  
24           activity sponsor's business, shall contain in clearly readable print the warning notice  
25           specified in subsection (b) of this section.

26           (b)   The signs and contracts described in subsection (a) of this section shall contain  
27           the following warning notice:

28                                    ‘WARNING

29           Under North Carolina law, an equine activity sponsor or equine professional is not  
30           liable for an injury to or the death of a participant in equine activities resulting  
31           exclusively from the inherent risks of equine activities. Chapter 99E of the North  
32           Carolina General Statutes.'

33           (c)   Failure to comply with the requirements concerning warning signs and notices  
34           provided in this Chapter shall prevent an equine activity sponsor or equine professional  
35           from invoking the privileges of immunity provided by this Chapter."

36           Section 2. The General Statutes are amended by adding a new Chapter to read:

37                                    “CHAPTER 99F.

38                                    “ROLLER SKATING RINK SAFETY AND LIABILITY.

39   "§ 99F-1. Definitions.

40           As used in this Chapter:

41           (1)   ‘Operator’ means a person or entity who owns, manages, controls, or  
42               directs, or who has operational responsibility for a roller skating rink.

- 1           (2) 'Roller skater' means an individual wearing roller skates while in a  
2 roller skating rink for the purpose of recreational or competitive roller  
3 skating. 'Roller skater' includes any individual in the roller skating rink  
4 who is an invitee, whether or not this individual pays consideration.  
5           (3) 'Roller skating rink' means a building, facility, or premises that provide  
6 an area specifically designed to be used by the public for recreational or  
7 competitive roller skating.  
8           (4) 'Spectator' means an individual who is present in a roller skating rink  
9 only for the purpose of observing recreational or competitive roller  
10 skating.

11 **"§ 99F-2. Duties of an operator.**

12 The operator, to the extent practicable, shall:

- 13           (1) Post the duties of roller skaters and spectators and the duties,  
14 obligations, and liabilities of the operator as prescribed in this Chapter  
15 in conspicuous places in at least three locations in the roller skating rink.  
16           (2) Maintain the stability and legibility of all signs, symbols, and posted  
17 notices required under subdivision (1) of this section.  
18           (3) Comply with all roller skating rink safety standards published by the  
19 Roller Skating Rink Operators Association, including, but not limited  
20 to, the proper maintenance of roller skating equipment and roller skating  
21 surfaces.  
22           (4) When the rink is open for sessions, have at least one floor guard on duty  
23 for approximately every 200 skaters.  
24           (5) Maintain the skating surface in reasonably safe condition and clean and  
25 inspect the skating surface before each session.  
26           (6) Maintain in good condition the railings, kickboards, and walls  
27 surrounding the skating surface.  
28           (7) In rinks with step-up or step-down skating surfaces, ensure that the  
29 covering on the riser is securely fastened.  
30           (8) Install fire extinguishers and inspect fire extinguishers at recommended  
31 intervals.  
32           (9) Provide reasonable security in parking areas during operational hours.  
33           (10) Inspect emergency lighting units periodically to ensure the lights are in  
34 proper order.  
35           (11) Keep exit lights and lights in service areas on when skating surface  
36 lights are turned off during special numbers.  
37           (12) Check rental skates on a regular basis to ensure the skates are in good  
38 mechanical condition.  
39           (13) Prohibit the sale or use of alcoholic beverages on the premises.  
40           (14) Comply with all applicable State and local safety codes.  
41           (15) Not engage willfully or negligently in any conduct that may proximately  
42 cause injury, damage, or death to a roller skater or spectator.

43 **"§ 99F-3. Duties of a roller skater.**

1        Each roller skater shall, to the extent commensurate with the person's age:

2            (1)    Maintain reasonable control of his or her speed and course at all times.

3            (2)    Heed all posted signs and warnings.

4            (3)    Maintain a proper lookout to avoid other roller skaters and objects.

5            (4)    Accept the responsibility for knowing the range of his or her ability to  
6            negotiate the intended direction of travel while on roller skates and to  
7            skate within the limits of that ability.

8            (5)    Refrain from acting in a manner that may cause or contribute to the  
9            injury of himself, herself, or any other person.

10    **"§ 99F-4. Assumption of risk.**

11        Roller skaters and spectators are deemed to have knowledge of and to assume the  
12    inherent risks of roller skating, insofar as those risks are obvious and necessary. The  
13    obvious and necessary inherent risks include, but are not limited to, injury, damage, or  
14    death that:

15            (1)    Results from incidental contact with other roller skaters or spectators,

16            (2)    Results from falls caused by loss of balance, or

17            (3)    Involves objects or artificial structures properly within the intended path  
18            of travel of the roller skater.

19    and that is not otherwise attributable to a rink operator's breach of the operator's duties as  
20    set forth in G.S. 99F-2.

21    **"§ 99F-5. Defense to suit.**

22        Assumption of risk pursuant to G.S. 99F-4 is a complete defense to a suit against an  
23    operator by a roller skater or a spectator for injuries resulting from any obvious and  
24    necessary inherent risks, unless the operator has violated the operator's duties under G.S.  
25    99F-2."

26        Section 3. This act becomes effective January 1, 1998, and applies to causes of  
27    action arising on or after that date.