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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1157 Session of  
1995

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INTRODUCED BY MAITLAND, MASLAND, LYNCH, FLEAGLE, FARGO, FLICK,  
STERN, READSHAW, ZUG, HANNA, FAIRCHILD, RUBLEY, E. Z. TAYLOR,  
SATHER, FEESE, HUTCHINSON, SEMMEL, HERSHEY, NICKOL, EGOLF,  
TRELLO, SERAFINI AND HALUSKA, MARCH 14, 1995

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
MARCH 14, 1995

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AN ACT

1 Providing for civil liability relating to equine activities, for  
2 exceptions thereto and for the posting and furnishing of  
3 certain notices.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Equine  
8 Activity Liability Law.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Engages in an equine activity." The term includes riding,  
14 training, assisting in veterinary treatment of, driving or being  
15 a passenger upon an equine, whether mounted or unmounted,  
16 visiting or touring or utilizing an equine facility as part of  
17 an organized event or activity, or any person assisting a

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

5 "Equine." A horse, pony, mule or donkey.

6 "Equine activity."

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

15 (2) Equine training or teaching activities, or both.

16 (3) Boarding equines, including normal daily care  
17 thereof.

18 (4) Riding, inspecting or evaluating by a purchaser or  
19 an agent, an equine belonging to another, whether or not the  
20 owner has received some monetary consideration or other  
21 things of value for the use of the equine or is permitting a  
22 prospective purchaser of the equine to ride, inspect or  
23 evaluate the equine.

24 (5) Rides, trips, hunts or other equine activities of  
25 any type, however informal or impromptu, that are sponsored  
26 by an equine activity sponsor.

27 (6) Placing or replacing horseshoes or hoof trimming on  
28 an equine.

29 (7) Providing or assisting in veterinary treatment.

30 "Equine activity sponsor." An individual, group, club,

1 partnership or corporation, whether or not the sponsor is  
2 operating for profit or nonprofit, which sponsors, organizes or  
3 provides the facilities for an equine activity, including, but  
4 not limited to, pony clubs, 4-H clubs, hunt clubs, riding clubs,  
5 school-sponsored and college-sponsored classes, programs and  
6 activities, therapeutic riding programs, stable and farm owners  
7 and operators, instructors and promoters or equine facilities,  
8 including, but not limited to, farms, stables, clubhouses, pony  
9 ride strings, fairs and arenas at which the activity is held.

10 "Equine professional." A person engaged for compensation in  
11 any of the following:

12 (1) In instructing a participant or renting to a  
13 participant an equine for the purpose of riding, driving or  
14 being a passenger upon the equine.

15 (2) In renting equipment or tack to a participant.

16 (3) In providing daily care of horses boarded at an  
17 equine facility.

18 (4) To train an equine.

19 "Inherent risks of equine activities." Those dangers or  
20 conditions which are an integral part of equine activities,  
21 including, but not limited to:

22 (1) The propensity of equines to behave in ways that may  
23 result in injury, harm or death to persons on or around them.

24 (2) The unpredictability of an equine's reaction to such  
25 things as sounds, sudden movements and unfamiliar objects,  
26 persons or other animals.

27 (3) Certain hazards such as surface and subsurface  
28 conditions.

29 (4) Collisions with other equines or objects.

30 (5) The potential of a participant to act in a negligent

manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his ability.

"Participant." Any person, whether amateur or professional, who engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

#### Section 3. General provisions.

An equine activities sponsor, an equine professional or other person, which shall include a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities and claims made by participants or participants' representatives shall be limited to those areas set forth in section 4.

#### Section 4. Exceptions.

(a) General rule.--Nothing in section 3 shall prevent or limit the liability of an equine activity sponsor, an equine professional or any other person if the equine activity sponsor, equine professional or person:

(1) (i) provided the equipment or tack and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it did cause the injury; or

(ii) provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity and determine the ability of the participant to safely manage the particular equine based on the participant's representations of his ability.

(2) Owns, leases, rents, has authorized use of or is otherwise in lawful possession and control of the land or

1 facilities upon which the participants sustained injuries  
2 because of a dangerous latent condition which was known or  
3 should have been known to the equine activity sponsor, equine  
4 professional or person and for which warning signs, under  
5 section 5, have not been conspicuously posted.

6 (3) Commits an act of omission that constitutes reckless  
7 disregard for the safety of the participant and that act of  
8 omission caused the injury.

9 (4) Intentionally injures the participant.

10 (b) Horse race meeting.--This section shall not apply to a  
11 horse race meeting as described in the act of December 17, 1981  
12 (P.L.435, No.135), known as the Race Horse Industry Reform Act.  
13 Section 5. Posting and notification.

14 (a) Posting requirements.--Every equine professional shall  
15 post and maintain signs which contain the warning notice  
16 specified in subsection (b). The signs shall be placed in a  
17 clearly visible location in the proximity of the equine  
18 activity. The warning notice specified in subsection (b) shall  
19 appear on the sign in black letters, with each letter to be a  
20 minimum of one inch in height. Every written contract entered  
21 into by an equine professional for the providing of professional  
22 services, instruction or the rental of equipment or tack or an  
23 equine to a participant, whether or not the contract involves  
24 equine activities on or off the location or site of the equine  
25 professional's business, shall contain in clearly readable print  
26 the warning notice specified in subsection (b).

27 (b) Content of notice.--The signs and contracts described in  
28 subsection (a) shall contain the following warning notice:

29 WARNING: Equines (horses, ponies, mules or donkeys) are  
30 potentially dangerous animals, and there are inherent

1 risks related to activities involving them. You may be  
2 bitten, kicked, stepped upon, thrown or subjected to  
3 other actions resulting in injuries. Under Pennsylvania  
4 law, an equine professional is not liable for an injury  
5 to or the death of a participant in equine activities  
6 resulting from the inherent risks of equine activities  
7 under the act of , (P.L. , No. ), known  
8 as the Equine Activity Liability Law.

9 Section 6. Effective date.

10 This act shall take effect in 60 days.