

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 896 Session of
2003

INTRODUCED BY McILHATTAN, READSHAW, GORDNER, HUTCHINSON,
CREIGHTON, CAPPELLI, SOLOBAY, MAITLAND, LAUGHLIN,
R. STEVENSON, FORCIER, SATHER, HERMAN, WILT, RUBLEY,
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FLEAGLE, HABAY, JAMES, LYNCH, McILHINNEY, METCALFE,
R. MILLER, PICKETT, REED, ROHRER, ROSS, SEMMEL, S. H. SMITH,
T. STEVENSON, E. Z. TAYLOR, TRUE, WANSACZ, WATSON AND FEESE,
MARCH 18, 2003

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 18, 2003

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, limiting civil liability
3 for injury or death incurred in connection with equine
4 activities.

5 The General Assembly finds that persons who participate in
6 equine activities may incur injuries as a result of the risks
7 involved in such activities. The General Assembly also finds
8 that the Commonwealth and its citizens derive numerous economic
9 and personal benefits from such activities. It is, therefore,
10 the intent of the General Assembly to encourage equine
11 activities by limiting the civil liability of those involved in
12 such activities.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Chapter 83 of Title 42 of the Pennsylvania

1 Consolidated Statutes is amended by adding a subchapter to read:

2 SUBCHAPTER I

3 EQUINE ACTIVITY

4 Sec.

5 8395. Short title of subchapter.

6 8396. Definitions.

7 8397. Liability standard.

8 8398. Exceptions.

9 8399. Posting and notification.

10 § 8395. Short title of subchapter.

11 This subchapter shall be known and may be cited as the Equine
12 Activity Liability Act.

13 § 8396. Definitions.

14 The following words and phrases when used in this subchapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Engages in an equine activity." The term includes, but is
18 not limited to:

19 (1) riding, training, boarding, loading or breeding an
20 equine;

21 (2) providing or assisting in veterinary treatment;

22 (3) placing, removing or replacing horseshoes or
23 trimming hooves;

24 (4) driving or being a passenger upon an equine, whether
25 mounted or unmounted;

26 (5) visiting, touring or utilizing an equine facility;

27 (6) sponsoring an equine activity; or

28 (7) assisting a participant or show management at an
29 equine activity.

30 "Equine." A horse, pony, mule, donkey or hinny.

1 "Equine activity." The term shall be broadly construed to
2 include, but not be limited to:

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

12 (2) Equine or rider and driver training, or teaching,
13 instructing, testing, or evaluating activities, including,
14 but not limited to, clinics, seminars, symposiums and
15 demonstrations.

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

17 (4) Breeding equines, including conducting or assisting
18 in procedures necessary to breed an equine by means of
19 artificial insemination, normal daily care and activities
20 associated with breeding equines.

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

27 (6) Rides, drives, trips, hunts, brandings, roundups,
28 cattle drives or other equine activities of any type, however
29 informal or impromptu, that are sponsored by an equine
30 activity sponsor.

1 (7) Placing, removing or replacing horseshoes or hoof
2 trimming on an equine.

3 (8) Providing or assisting in veterinary treatment or
4 maintenance care of an equine.

5 "Equine activity sponsor." An individual, group, club,
6 partnership or corporation, whether or not the sponsor is
7 operating for profit or not for profit, which sponsors,
8 organizes or provides the facilities for an equine activity,
9 including, but not limited to, pony clubs, 4-H clubs, hunt
10 clubs, riding clubs, driving clubs, school-sponsored and
11 college-sponsored classes, programs and activities, therapeutic
12 riding programs, stable and farm owners and operators,
13 instructors and promoters of equine facilities, including, but
14 not limited to, farms, stables, clubhouses, pony ride strings,
15 fairs, training facilities, show grounds and arenas at which the
16 activity is held.

17 "Equine professional." A person engaged in any of the
18 following:

19 (1) Training, teaching, instructing, testing or
20 evaluating a participant, or renting to a participant an
21 equine for the purpose of riding, driving or being a
22 passenger upon the equine.

23 (2) Renting or leasing equipment or tack to a
24 participant.

25 (3) Providing daily care of horses boarded at an equine
26 facility.

27 (4) Training, testing or evaluating an equine.

28 "Harm." Injury, whether resulting in death or otherwise.

29 "Inherent risks of equine activities." Those dangers or
30 conditions which are an integral part of equine activities,

1 including, but not limited to:

2 (1) The propensity of equines to behave in ways,
3 including bolting, bucking, biting, kicking, shying,
4 stumbling, rearing, running, falling or stepping on persons,
5 that may result in harm to persons on or around them.

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

9 (3) Certain hazards such as surface and subsurface
10 conditions.

11 (4) Collisions with other equines or objects.

12 (5) The potential of a participant to act in a negligent
13 manner that may contribute to harm to the participant and
14 others, such as failing to maintain control over the animal
15 or not acting within the participant's ability.

16 "Participant." Any person who engages in an equine activity,
17 if such person is either 15 years of age or older or is under 15
18 years of age with permission from a parent or guardian to engage
19 in an equine activity, whether or not a fee is paid to
20 participate in the equine activity. A person under 15 years of
21 age attending an equine activity as a spectator who enters an
22 unauthorized area or an area in immediate proximity to the
23 equine activity shall meet the definition of participant whether
24 or not his parents permitted him to engage in an equine
25 activity.

26 § 8397. Liability standard.

27 Except as provided in section 8398 (relating to exceptions),
28 an equine activity sponsor, equine activity participant, equine
29 professional or any other person, including a corporation or
30 partnership, shall not be liable for an injury or loss to or the

1 death of a participant resulting from the inherent risks of
2 equine activities and, except as provided in section 8398, no
3 participant or participant's representative shall make any claim
4 against, maintain an action against or recover from an equine
5 activity sponsor, equine activity participant, equine
6 professional or any other person for harm to a participant
7 resulting from any of the inherent risks of equine activities.
8 § 8398. Exceptions.

9 (a) General rule.--Nothing in section 8397 (relating to
10 liability standard) shall prevent or limit the liability of an
11 equine activity sponsor, equine professional or any other person
12 if the equine activity sponsor, equine professional or person:

13 (1) Was grossly negligent.

14 (2) Committed an act or omission that constituted
15 willful or wanton disregard for the safety of the participant
16 and that act or omission caused the injury.

17 (3) Intentionally injured the participant.

18 (b) Denial of participation.--An equine professional may
19 refuse to allow any participant to participate in any equine
20 activity for which the professional or sponsor believes the
21 participant is not capable of performing safely without recourse
22 by the participant.

23 (c) Horse race meeting.--This section shall not apply to a
24 horse race meeting as described in the act of December 17, 1981
25 (P.L.435, No.135), known as the Race Horse Industry Reform Act.

26 (d) Assumption of risk; contributory fault.--Nothing in this
27 section shall be construed as affecting or modifying the
28 doctrine of assumption of risk or contributory fault on the part
29 of a participant or any person.

30 § 8399. Posting and notification.

1 (a) Posting requirements.--An equine activity sponsor and
2 equine professional shall post the notice required in subsection
3 (b) and include a similar notice in contracts, registration
4 forms for activities and permission slips for individuals under
5 15 years of age. This notice shall be clearly legible in English
6 and available in other languages as may be required by the
7 clientele of the equine activity sponsor or equine professional.

8 (b) Contents of notice.--Notices required in subsection (a)
9 shall clearly convey the following:

10 (1) The rider, participant and/or driver is responsible
11 for the equine and its actions.

12 (2) The equine activity sponsor and equine professional
13 are not responsible for the participant's actions.

14 (3) Riding and driving are inherently dangerous
15 activities for which the participant bears full
16 responsibility.

17 (4) The participant cannot recover damages based on the
18 participant's actions.

19 Section 2. This act shall take effect in 60 days.