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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1196** Session of  
2004

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INTRODUCED BY WAUGH, WENGER, TOMLINSON, ROBBINS, ARMSTRONG,  
GORDNER, KITCHEN, PIPPY, WONDERLING, PUNT, LEMMOND, BOSCOLA,  
CORMAN, PILEGGI AND FERLO, JULY 4, 2004

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REFERRED TO JUDICIARY, JULY 4, 2004

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AN ACT

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

4 The General Assembly finds and declares that equine  
5 activities are engaged in by a substantial number of the  
6 citizens of this Commonwealth and also attracts to this  
7 Commonwealth a large number of nonresidents; that these  
8 activities significantly contribute to the economy of the  
9 Commonwealth.

10 The General Assembly further finds that equine community and  
11 horse farms play a significant role in agriculture and  
12 preservation of open space.

13 The General Assembly further finds that equine activities  
14 involve inherent risks that are essentially impractical or  
15 impossible to eliminate and that those risks must be borne by  
16 those who engage in the activities.

17 The General Assembly therefore determines that as a matter of  
18 public policy those participating in equine activities

1 voluntarily assume the risk of the inherent dangers of the sport  
2 and civil liability for injuries or death shall be limited.

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

5 Section 1. Chapter 83 of Title 42 of the Pennsylvania  
6 Consolidated Statutes is amended by adding a subchapter to read:

7 SUBCHAPTER I

8 EQUINE ACTIVITY

9 Sec.

10 8395. Definitions.

11 8396. Assumption of inherent risks.

12 8397. Exceptions.

13 8398. Notices.

14 § 8395. Definitions.

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

18 "Engages in an equine activity." Participation in equine  
19 activity. The term includes:

20 (1) Riding, training, loading and unloading for travel  
21 or breeding an equine.

22 (2) Providing or assisting in medical, dental or  
23 therapeutic treatment of an equine.

24 (3) Placing or removing horseshoes and trimming hooves.

25 (4) Driving or being a passenger upon an equine or a  
26 device attached to the equine.

27 (5) Visiting, touring or utilizing an equine facility.

28 (6) Sponsoring an equine activity.

29 (7) Assisting a participant or show management at an  
30 equine activity.

1 The term does not include acting as a spectator unless the  
2 spectator is placed in an area in immediate proximity to the  
3 equine activity.

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

5 "Equine activity." Activity which involves the use of an  
6 equine. The term includes:

7 (1) Equine shows, fairs, parades, competitions or  
8 performances which involve breeds of equine participating in  
9 an activity. This paragraph includes dressage, hunter and  
10 jumper shows, Grand Prix jumping, three-day eventing,  
11 combined training, rodeos, reining, cutting, team penning,  
12 driving, pulling, barrel racing, steeplechasing, English and  
13 Western performance riding, endurance and nonendurance trail  
14 riding, Western games, gymkhana, hunting, packing,  
15 therapeutic riding and driving and recreational riding.

16 (2) Equine or rider and driver training, teaching,  
17 instructing or evaluation. This paragraph includes clinics,  
18 seminars and demonstrations.

19 (3) Boarding equines, including normal daily care.

20 (4) Breeding equines, whether by live cover or  
21 artificial insemination.

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

28 (6) Recreational rides, drives or other activity  
29 involving the use of an equine.

30 (7) Providing or assisting in medical, dental or

1 therapeutic care of an equine.

2 (8) Placing, removing or replacing horseshoes or  
3 trimming of horse hooves.

4 (9) Leading, handling or grooming an equine.

5 "Equine activity sponsor." Any individual, group, club or  
6 business entity, whether or not operating for profit, that  
7 sponsors, organizes, conducts or provides the facilities or  
8 equines for an equine activity. The term includes pony and horse  
9 clubs, 4-H groups, equine associations, farms, recreational  
10 riding, riding facilities and show grounds and arenas where  
11 equine activities are held.

12 "Equine professional." A person engaged in any of the  
13 following equine activities:

14 (1) Training, teaching, instructing or evaluating a  
15 participant or an equine, or renting an equine to a  
16 participant for the purpose of riding, driving or being a  
17 passenger upon an equine or a device attached to an equine.

18 (2) Renting or leasing equipment or tack to a  
19 participant.

20 (3) Providing daily care of horses boarded at a  
21 facility.

22 "Inherent risks of equine activities." Dangers or conditions  
23 which are an integral part of equine activities. The term  
24 includes:

25 (1) The propensity of an equine to behave in a manner  
26 which may cause injury, harm or death to a person on or near  
27 it.

28 (2) The unpredictability of an equine's reaction to  
29 sounds, sudden movements, unfamiliar objects, individuals or  
30 other animals.

1           (3) An equine's reaction to certain natural hazards,  
2           such as surface and subsurface ground conditions.

3           (4) A collision with other equines or objects.

4           (5) An equine's response to the participant's manner of  
5           handling or controlling it or inability to handle or control  
6           it.

7           "Participant." An individual, whether amateur or  
8           professional, who engages in an equine activity, regardless of  
9           whether a fee is paid to engage in the equine activity. If a  
10          participant is a minor, the term includes the parent, guardian  
11          or person standing in loco parentis.

12          § 8396. Assumption of inherent risks.

13          A participant in an equine activity is deemed to assume the  
14          inherent risk of equine activities, whether created by the  
15          equine, weather conditions, ground conditions or other inherent  
16          risks of the equine activity. Except as set forth in section  
17          8397 (relating to exceptions), the assumption of the risk shall  
18          be a complete bar to suit by a participant in an equine activity  
19          or a successor in interest and shall serve as a complete defense  
20          to any action, claim or suit against an equine activity sponsor,  
21          equine professional or other participant.

22          § 8397. Exceptions.

23          Nothing in section 8396 (relating to assumption of inherent  
24          risks) shall bar or limit the liability of an equine activity  
25          sponsor, equine professional or any other participant if the  
26          equine activity sponsor, equine professional or participant:

27                  (1) was grossly negligent;

28                  (2) committed an act or omission which constitutes  
29          willful or reckless disregard for the safety of the  
30          participant and which caused the injury or death; or

1           (3) intentionally injured the participant.

2 § 8398. Notices.

3       An equine activity sponsor and an equine professional shall  
4 post the following notice and include the notice in contracts,  
5 riding and lesson agreements, registration and entry forms and  
6 any other documents required by the equine activity sponsor and  
7 equine professional for the participation in an equine activity:

8           WARNING: UNDER PENNSYLVANIA LAW AN EQUINE PROFESSIONAL  
9           AND EQUINE ACTIVITY SPONSOR IS NOT LIABLE FOR AN INJURY  
10          TO OR DEATH OF A PARTICIPANT IN EQUINE ACTIVITIES  
11          RESULTING FROM THE INHERENT RISKS OF EQUINE ACTIVITIES.

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