

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2073** Session of  
2005

INTRODUCED BY MAITLAND, OCTOBER 17, 2005

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 17, 2005

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 comparative negligence.

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

6 Section 1. Section 7102(d) of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended and the section is amended by  
8 adding a subsection to read:

9 § 7102. Comparative negligence.

10 \* \* \*

11 (b.4) Equine activities.--

12 (1) Equine activity sponsors, equine professionals and  
13 participants shall have no duty to protect participants from  
14 the inherent risks of equine activities, including, but not  
15 limited to, the propensity of equines to behave in ways that  
16 may result in harm to participants and collisions with other  
17 equines or objects.

18 (2) The doctrine of knowing voluntary assumption of risk

1 shall apply to all actions to recover damages for negligence  
2 resulting in death or injury to a participant or the property  
3 of a participant brought against any equine activity sponsor,  
4 equine professional or participant.

5 (3) Nothing in this subsection shall be construed in any  
6 way to abolish or modify a cause of action against a  
7 potentially responsible party other than an equine activity  
8 sponsor, equine professional or participant.

9 \* \* \*

10 (d) Definitions.--As used in this section the following  
11 words and phrases shall have the meanings given to them in this  
12 subsection:

13 "Defendant or defendants." Includes impleaded defendants.

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

15 "Equine activity." Any activity associated with the care,  
16 display and use of equines, including, but not limited to,  
17 showing, competing, boarding, breeding, riding, driving, rider  
18 or driver training, inspecting, evaluating for purchase and  
19 providing or assisting in maintenance or veterinary care.

20 "Equine activity professional." A person engaged for  
21 compensation in an equine activity, including, but not limited  
22 to, teaching participants, caring for equines, training equines  
23 or renting equines or equipment to a participant.

24 "Equine activity sponsor." An individual or organization,  
25 whether for profit or not for profit, which sponsors, organizes  
26 or provides the facilities for an equine activity.

27 "Off-road vehicle." A motorized vehicle that is used off-  
28 road for sport or recreation. The term includes snowmobiles,  
29 all-terrain vehicles, motorcycles and four-wheel drive vehicles.

30 "Off-road vehicle riding area." Any area or facility

1 providing recreational activities for off-road vehicles.

2 "Off-road vehicle riding area operator." A person or  
3 organization owning or having operational responsibility for any  
4 off-road vehicle riding area. The term includes:

5 (1) Agencies and political subdivisions of this  
6 Commonwealth.

7 (2) Authorities created by political subdivisions.

8 (3) Private companies.

9 "Participant." A person, whether amateur or professional,  
10 who engages in an equine activity, if such person is:

11 (1) at least 15 years of age; or

12 (2) under 15 years of age with permission from a parent  
13 or guardian to engage in an equine activity

14 whether or not a fee is paid to participate in the equine  
15 activity.

16 "Plaintiff." Includes counter claimants and cross-claimants.

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