1	State of Arkansas
2	80th General Assembly ABII ACT 353 OF 1995
3	Regular Session, 1995 HOUSE BILL 1064
4	By: Representative George
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7	For An Act To Be Entitled
8	"AN ACT TO AMEND ARKANSAS CODE 16-120-201 AND 16-120-202
9	TO PROVIDE CERTAIN CIVIL IMMUNITIES TO EQUINE ACTIVITY
10	SPONSORS; AND FOR OTHER PURPOSES."
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12	Subtitle
13	"REGARDING CIVIL IMMUNITY OF EQUINE ACTIVITY SPONSORS."
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15	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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17	SECTION 1. Arkansas Code 16-120-201 is amended to read as follows:
18	"16-120-201. Definitions.
19	As used in this subchapter, unless the context otherwise requires:
20	(1) _Equine_ means a horse, pony, mule, donkey, or hinny;
21	(2) _Equine activity_ means:
22	(A) Equine shows, fairs, competitions, performances, or
23	parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse
	shows, grand prix jumping, three-day events, combined training, rodeos,
	pulling, cutting, polo, steeplechasing, endurance trail riding and western
	games, and hunting;
28	(B) Equine training and teaching activities;
29	(C) Boarding equines;
30	(D) Riding, inspecting, or evaluating an equine belonging
	to another, whether or not the owner has received some monetary consideration
	or other thing of value for the use of the equine or is permitting a
	prospective purchaser of the equine to ride, inspect, or evaluate the equine;
	and
35	(E) Rides, hunts, or other equine activities of any type
	however informal or impromptu.
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- 1 (3) "Equine activity sponsor" means an individual, group, club,
- 2 partnership or corporation, whether nonprofit or operating for profit, which
- 3 sponsors, organizes or provides facilities for an equine activity.
- 4 (4) "Participant" means any person, whether amateur or professional,
- 5 who engages in an equine activity, whether or not a fee is paid to participate
- 6 in the equine activity.
- 7 Provided, the immunity provided for in this subchapter is not applicable
- 8 with respect to thoroughbred horse racing as authorized and regulated in
- 9 Arkansas Code Title 23, Chapter 110."

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- 11 SECTION 2. Arkansas Code 16-120-202 is amended to read as follows:
- 12 "16-120-202. Liability.
- 13 (1) Except as provided in subdivision (2) of this section, an equine
- 14 activity sponsor or employee of an equine activity sponsor shall not be liable
- 15 for an injury to or the death of a participant resulting from the inherent
- 16 risks of equine activities.
- 17 (2) Nothing in subdivision (1) of this section shall prevent or limit
- 18 the liability of an equine activity sponsor or employee of an equine activity
- 19 sponsor who:
- 20 (A)(i) Provided the equipment or tack, and knew or should have
- 21 known that the equipment or tack was faulty, and such equipment or tack was
- 22 faulty to the extent that it did cause injury.
- 23 (ii) Provided the equine animal and failed to make reasonable
- 24 and prudent efforts to determine the ability of the participant to engage
- 25 safely in the equine activity, or to determine the ability of the participant
- 26 to engage safely in the equine activity and to safely manage the particular
- 27 equine based on the participant's representation of his ability.
- 28 (B) Owns, leases, rents, or otherwise is in lawful possession
- 29 and control of the land or facilities upon which the participant sustained
- 30 injury because of a dangerous latent condition which was known or should have
- 31 been known to the equine activity sponsor or to an employee of the sponsor and
- 32 for which warning signs have not been conspicuously posted.
- 33 (C) Commits an act or omission that constitutes willfull or
- 34 wanton disregard for the safety of the participant, and that act or omission
- 35 caused the injury.

1	(D) Intentionally injures the participant.
2	(3) Nothing in subdivision (1) of this section shall prevent or limit
3	the liability of an equine activity sponsor or employee thereof under
4	liability provisions as set forth in products liability laws.
5	(4) (A) Every equine activity sponsor shall post and maintain signs
6	which contain the warning notice specified in subdivision (B) of this section.
7	Such signs shall be placed in a clearly visible location on or near stables,
8	corrals or arenas where the equine activity sponsor conducts equine
9	activities. The warning notice specified in subdivision (B) of this section
10	shall appear on the sign in black letters, with each letter to be a minimum of
11	one (1) inch in height.
12	(B) The signs described in subdivision (A) of this section shall
13	contain the following warning notice:
14	"WARNING
15	Under Arkansas law, an equine activity sponsor is not liable for an
16	injury to, or the death of, a participant in equine activities resulting from
17	the inherent risk of equine activities."
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19	SECTION 3. All provisions of this act of a general and permanent nature
20	are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21	Revision Commission shall incorporate the same in the Code.
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23	SECTION 4. If any provision of this act or the application thereof to
24	any person or circumstance is held invalid, such invalidity shall not affect
25	other provisions or applications of the act which can be given effect without
26	the invalid provision or application, and to this end the provisions of this
27	act are declared to be severable.
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29	SECTION 5. All laws and parts of laws in conflict with this act are
30	hereby repealed.
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32	/s/Rep. George
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34	APPROVED: 2-20-95
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