

As Engrossed: 2/9/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative George**

A Bill

ACT 353 OF 1995
HOUSE BILL 1064

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."*

Subtitle

13 *"REGARDING CIVIL IMMUNITY OF EQUINE ACTIVITY SPONSORS."*

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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
24 disciplines, including, but not limited to, dressage, hunter and jumper horse
25 shows, grand prix jumping, three-day events, combined training, rodeos,
26 pulling, cutting, polo, steeplechasing, endurance trail riding and western
27 games, and hunting;

28 (B) Equine training and teaching activities;

29 (C) Boarding equines;

30 (D) Riding, inspecting, or evaluating an equine belonging
31 to another, whether or not the owner has received some monetary consideration
32 or other thing of value for the use of the equine or is permitting a
33 prospective purchaser of the equine to ride, inspect, or evaluate the equine;
34 and

35 (E) Rides, hunts, or other equine activities of any type
36 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."

10

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.

