

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

A Bill

HOUSE BILL 1064

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 16-120-201 AND 16-120-202
TO PROVIDE CERTAIN CIVIL IMMUNITIES TO EQUINE ACTIVITY
SPONSORS; AND FOR OTHER PURPOSES."

Subtitle

"REGARDING CIVIL IMMUNITY OF EQUINE ACTIVITY SPONSORS."

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

SECTION 1. Arkansas Code 16-120-201 is amended to read as follows:

"16-120-201. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) Equine means a horse, pony, mule, donkey, or hinny;

(2) Equine activity means:

(A) Equine shows, fairs, competitions, performances, or 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;

(B) Equine training and teaching activities;

(C) Boarding equines;

(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

(E) Rides, hunts, or other equine activities of any type

1 however informal or impromptu.

2 (3) *"Equine activity sponsor" means an individual, group, club,*
3 *partnership or corporation, whether nonprofit or operating for profit, which*
4 *sponsors, organizes or provides facilities for an equine activity.*

5 (4) *"Participant" means any person, whether amateur or professional,*
6 *who engages in an equine activity, whether or not a fee is paid to*
7 *participate in the equine activity.*

8 Provided, the immunity provided for in this subchapter is not
9 applicable with respect to thoroughbred horse racing as authorized and
10 regulated in Arkansas Code Title 23, Chapter 110."

11

12 SECTION 2. Arkansas Code 16-120-202 is amended to read as follows:

13 "16-120-202. Liability.

14 (1) *Except as provided in subdivision (2) of this section, an equine*
15 *activity sponsor or employee of an equine activity sponsor shall not be*
16 *liable for an injury to or the death of a participant resulting from the*
17 *inherent risks of equine activities.*

18 (2) *Nothing in subdivision (1) of this section shall prevent or limit*
19 *the liability of an equine activity sponsor or employee of an equine activity*
20 *sponsor who:*

21 (A)(i) *Provided the equipment or tack, and knew or should have*
22 *known that the equipment or tack was faulty, and such equipment or tack was*
23 *faulty to the extent that it did cause injury.*

24 (ii) *Provided the equine animal and failed to make reasonable*
25 *and prudent efforts to determine the ability of the participant to engage*
26 *safely in the equine activity, or to determine the ability of the participant*
27 *to engage safely in the equine activity and to safely manage the particular*
28 *equine based on the participant's representation of his ability.*

29 (B) *Owns, leases, rents, or otherwise is in lawful possession*
30 *and control of the land or facilities upon which the participant sustained*
31 *injury because of a dangerous latent condition which was known or should have*
32 *been known to the equine activity sponsor or to an employee of the sponsor*
33 *and for which warning signs have not been conspicuously posted.*

34 (C) *Commits an act or omission that constitutes willfull or*
35 *wanton disregard for the safety of the participant, and that act or omission*

1 caused the injury.

2 (D) Intentionally injures the participant.

3 (3) Nothing in subdivision (1) of this section shall prevent or limit
4 the liability of an equine activity sponsor or employee thereof under
5 liability provisions as set forth in products liability laws.

6 (4) (A) Every equine activity sponsor shall post and maintain signs
7 which contain the warning notice specified in subdivision (B) of this
8 section. Such signs shall be placed in a clearly visible location on or near
9 stables, corrals or arenas where the equine activity sponsor conducts equine
10 activities. The warning notice specified in subdivision (B) of this section
11 shall appear on the sign in black letters, with each letter to be a minimum
12 of one (1) inch in height.

13 (B) The signs described in subdivision (A) of this section shall
14 contain the following warning notice:

15 "WARNING

16 Under Arkansas law, an equine activity sponsor is not liable for an
17 injury to, or the death of, a participant in equine activities resulting from
18 the inherent risk of equine activities."
19

20 SECTION 3. All provisions of this act of a general and permanent
21 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
22 Code Revision Commission shall incorporate the same in the Code.
23

24 SECTION 4. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.
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30 SECTION 5. All laws and parts of laws in conflict with this act are
31 hereby repealed.
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33 /s/Rep. George
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