

EQUINE IMMUNITY

NO. 136. AN ACT RELATING TO LIABILITY OF PERSONS INVOLVED IN EQUINE ACTIVITIES.

(S.57)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. LEGISLATIVE PURPOSE AND POLICY

(1) Equine activities are important to the economy and culture of the state. It is appropriate to provide a sound legal basis for determining when equine activity sponsors should be liable for injuries suffered from those activities, realizing that equines are prone to behave in ways that may result in injury, harm or death to persons involved in equine activities.

(2) It is the policy of this state that no person shall be liable for damages sustained by another solely as a result of risks inherent in equine activity, insofar as those risks are necessary to the equine activity and obvious to the person injured.

(3) It is the policy of this state that persons responsible for equines, or responsible for the safety of those engaged in equine activity, whose negligence proximately causes injury to a person engaged in those activities, is liable for that injury in accordance with other applicable law.

Sec. 2. 12 V.S.A. § 1039 is added to read:

§ 1039. EQUINE ACTIVITIES: ACCEPTANCE OF INHERENT RISKS

(a) As used in this section:

(1) "Equine" means a horse, pony, mule or donkey.

(2) "Equine activity" includes but is not limited to:

(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, riding, driving, pulling, cutting, polo, steeplechasing, English



club, partnership or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes or provides the facilities for an equine activity, including but not limited to pony clubs, 4-H clubs, hunt clubs, riding clubs, school and college-sponsored classes, programs and activities, therapeutic riding programs, stable and farm owners and operators, instructors and promoters or equine facilities, including but not limited to farms, stables, clubhouses, pony ride strings, fairs and arenas at which the activity is held.

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

(b) No person shall be liable for an injury to, or the death of, a participant resulting from the inherent risks of equine activities, insofar as those risks are necessary to the equine activity and obvious to the person injured.

(c)(1) An equine activity sponsor may post and maintain signs which contain the warning notice specified in this subsection. Such signs shall be placed in a clearly visible location in the proximity of the equine activity. The warning notice shall appear on the sign in black letters, with each letter to be a minimum of one inch in height.

(2) Every written contract entered into by an equine activity sponsor for the providing of professional services, instruction or the rental of equipment or tack or an equine to a participant, whether or not the contract involves equine activities on or off the location or site of the equine professional's business, may contain in clearly readable print the warning notice.

(3) The signs and contracts described in this subsection shall contain the following warning notice:

Sec. 3. REPORT

Not later than January 15, 1998, the department of banking, insurance, and securities shall report on the effects, if any, of this law upon the ability of persons who engage in equine activity to obtain liability insurance at a reasonable cost and upon all other participants who engage in equine activities.

Sec. 4. APPLICABILITY

This act shall apply only to actions arising from acts or omissions which occur on or after the effective date of this act.

Approved: April 30, 1996