

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 512

BY: FAIR

AS INTRODUCED

AN ACT RELATING TO ANIMALS; CREATING THE EQUINE  
INDUSTRIES CIVIL LIABILITY ACT AND PROVIDING SHORT  
TITLE; DECLARING LEGISLATIVE FINDINGS AND INTENT;  
DEFINING TERMS; DECLARING IMMUNITY FROM LIABILITY  
OF CERTAIN PERSONS ENGAGED IN CERTAIN ACTIVITIES  
RELATING TO EQUINES; PROVIDING FOR EXCEPTIONS TO  
DECLARED IMMUNITY FOR CERTAIN PERSONS UNDER CERTAIN  
CONDITIONS; REQUIRING CERTAIN WARNINGS ON SIGNS AND  
IN CONTRACTS; PROVIDING FOR CODIFICATION; AND  
PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 601 of Title 4, unless there is  
created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Equine  
Industries Civil Liability Act".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 602 of Title 4, unless there is  
created a duplication in numbering, reads as follows:

The Legislature finds that persons who participate in equine  
activities may incur injuries as a result of risks involved in such

activities. The Legislature also finds that the state and its citizens derive numerous economic and personal benefits from such activities. It is, therefore, the intent of the Legislature to encourage equine activities by limiting the civil liability of those persons involved in such activities.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 603 of Title 4, unless there is created a duplication in numbering, reads as follows:

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

1. "Engages in an equine activity" means riding, training, driving, or being a passenger upon an equine, either mounted or unmounted or any person assisting a participant or show management. The term "engages in an equine activity" does not include being a spectator at an equine activity, except in cases where the spectator places himself in an unauthorized area and in immediate proximity to the equine activity;

2. "Equine" means a horse, pony, mule, donkey, or hinny;

3. "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, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding and western games, and hunting,
- b. equine training or teaching activities,
- c. boarding of 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,

- e. rides, trips, hunts, or other equine activities of any type however informal or impromptu that are sponsored by an equine activity sponsor, and
- f. placing, or replacing horseshoes on an equine;

4. "Equine activity sponsor" means an individual, group, 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, and operators, instructors, and promoters of equine facilities, including, but not limited to, stables, clubhouses, ponyride strings, fairs, and arenas at which the activity is held;

5. "Equine professional" means a person engaged for compensation:

- a. in instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger on the equine, or
- b. in renting equipment or tack to a participant;

6. "Inherent risks of equine activities" means those dangers or conditions which are an integral part of equine activities including, but not limited to:

- a. the propensity of an equine to behave in ways that may result in injury, harm, or death to persons on or around them,
- b. the unpredictability of an equine's reaction to such things as sounds, sudden movement, and unfamiliar objects, persons or other animals,

- c. certain hazards such as surface and subsurface conditions,
- d. collisions with other equines or objects, or
- e. the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability; and

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 604 of Title 4, unless there is created a duplication in numbering, reads as follows:

A. An equine activity sponsor, an equine professional, or any other person, who or which includes a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities and no participant nor participant's representative shall make any claim against, maintain an action against, or recover from an equine activity sponsor, an equine professional, or any other person for injury, loss, damage, or death of the participant resulting from any of the inherent risks of equine activities.

B. Nothing in subsection A of this section shall prevent or limit the liability of an equine activity sponsor, an equine professional, or any other person if the equine activity sponsor, equine professional, or person:

- 1. a. provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it caused the injury; or

b. provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity, and to determine the ability of the participant to safely manage the particular equine based on the participant's representations of ability;

2. Owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known to the equine activity sponsor, equine professional, or person and for which warning signs have not been conspicuously posted;

3. Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant and that act or omission caused the injury; or

4. Intentionally injures the participant.

C. Nothing in subsection A of this section shall prevent or limit the liability of an equine activity sponsor or an equine professional under liability provisions set forth in the products liability laws or under otherwise applicable laws.

D. 1. Every equine professional shall post and maintain signs which contain the warning notice specified in paragraph 2 of this subsection. Such signs shall be placed in a clearly visible location on or near stables, corrals, or arenas where the equine professional conducts equine activities if such stables, corrals, or arenas are owned, managed, or controlled by the equine professional. The warning notice specified in paragraph 2 of this subsection shall appear on the sign in black letters with each letter to be a minimum of one inch in height. Every written contract entered into by an equine professional 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 involved equine activities on or off the location or site of the equine professional's

business, shall contain in clearly readable print the warning notice specified in paragraph 2 of this subsection.

2. The signs and contracts described in paragraph 1 of this subsection shall contain the following warning notice:

UNDER OKLAHOMA LAW, AN EQUINE PROFESSIONAL IS NOT  
LIABLE FOR AN INJURY TO OR THE DEATH OF A PARTICIPANT  
IN EQUINE ACTIVITIES RESULTING FROM THE INHERENT RISKS  
OF EQUINE ACTIVITIES.

SECTION 5. This act shall become effective September 1, 1991.

43-1-500

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