
By: **Senator Colburn**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Equine Activities - Immunity from Civil Liability**

3 FOR the purpose of limiting the civil liability of certain persons who engage in certain
4 activities involving certain equines under certain circumstances; exempting
5 certain persons and certain activities from the provisions of this Act; requiring a
6 certain notice to be posted in a certain area; requiring a certain notice to be
7 stated in certain contracts; defining certain terms; and generally relating to
8 certain equine activities.

9 BY adding to
10 Article - Courts and Judicial Proceedings
11 Section 5-427
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 2000 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Courts and Judicial Proceedings**

17 5-427.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "EQUINE" MEANS A HORSE, MINIATURE HORSE, PONY, DONKEY,
21 MULE, OR HINNY.

22 (3) "EQUINE ACTIVITY" MEANS:

23 (I) AN EQUINE SHOW, FAIR, COMPETITION, RODEO, GYMKHANA,
24 PARADE, OR PERFORMANCE THAT INVOLVES A BREED OF EQUINE AND AN EQUINE
25 DISCIPLINE;

26 (II) TRAINING AN EQUINE;

- 1 (III) INSTRUCTING A PARTICIPANT;
- 2 (IV) BOARDING EQUINES;
- 3 (V) RIDING, INSPECTING, OR EVALUATING AN EQUINE;
- 4 (VI) A RIDE, TRIP, HUNT, OR OTHER INFORMAL ACTIVITY
5 SPONSORED BY AN EQUINE ACTIVITY SPONSOR;
- 6 (VII) PLACING OR REPLACING HORSESHOES ON AN EQUINE; AND
- 7 (VIII) BEING A SPECTATOR AT AN EQUINE ACTIVITY WHERE THE
8 SPECTATOR IS IN AN UNAUTHORIZED AREA AND IN IMMEDIATE PROXIMITY TO THE
9 EQUINE ACTIVITY.
- 10 (4) "EQUINE ACTIVITY SPONSOR" MEANS A PERSON THAT PROVIDES
11 MONEY OR FACILITIES FOR OR ORGANIZES AN EQUINE ACTIVITY.
- 12 (5) "EQUINE PROFESSIONAL" MEANS A PERSON WHO:
- 13 (I) INSTRUCTS A PARTICIPANT IN AN EQUINE ACTIVITY;
- 14 (II) RENTS EQUIPMENT OR TACK TO A PARTICIPANT IN AN EQUINE
15 ACTIVITY; OR
- 16 (III) RENTS OR ALLOWS THE USE WITHOUT COMPENSATION OF AN
17 EQUINE TO A PARTICIPANT FOR RIDING, DRIVING, OR BEING A PASSENGER ON THE
18 EQUINE.
- 19 (6) "INHERENT RISK OF AN EQUINE ACTIVITY" INCLUDES:
- 20 (I) THE PROPENSITY OF AN EQUINE TO BEHAVE IN A MANNER
21 THAT MAY RESULT IN HARM TO A PERSON ON OR NEAR THE EQUINE OR TO ANOTHER
22 EQUINE;
- 23 (II) THE UNPREDICTABILITY OF AN EQUINE'S REACTION TO SOUND,
24 MOVEMENT, OR AN UNFAMILIAR OBJECT, PERSON, SCENT, OR OTHER ANIMAL;
- 25 (III) THE POSSIBILITY OF A COLLISION WITH AN OBJECT, PERSON,
26 OR OTHER ANIMAL;
- 27 (IV) SURFACE AND SUBSURFACE CONDITIONS; AND
- 28 (V) THE POTENTIAL OF A PARTICIPANT IN AN EQUINE ACTIVITY TO
29 INJURE THE PARTICIPANT, ANOTHER INDIVIDUAL, OR ANOTHER EQUINE BY FAILING
30 TO MAINTAIN CONTROL OVER THE EQUINE OR BY NOT ACTING WITHIN THE
31 PARTICIPANT'S ABILITY.
- 32 (7) "PARTICIPANT" MEANS A PERSON, WHETHER AMATEUR OR
33 PROFESSIONAL, WHO ENGAGES IN AN EQUINE ACTIVITY.

1 (B) (1) THIS SECTION DOES NOT APPLY TO A PERSON OR ACTIVITY
2 GOVERNED UNDER TITLE 11 OF THE BUSINESS REGULATION ARTICLE.

3 (2) THIS SECTION DOES NOT LIMIT THE LIABILITY OF A PERSON UNDER
4 CONSUMER PROTECTION OR PRODUCTS LIABILITY LAWS.

5 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN EQUINE
6 ACTIVITY SPONSOR OR AN EQUINE PROFESSIONAL SHALL NOT BE LIABLE FOR
7 INJURIES THAT:

8 (1) ARE SUFFERED BY A PARTICIPANT IN AN EQUINE ACTIVITY; AND

9 (2) RESULT FROM AN INHERENT RISK OF EQUINE ACTIVITY.

10 (D) THIS SECTION DOES NOT LIMIT THE CIVIL LIABILITY OF AN EQUINE
11 ACTIVITY SPONSOR OR EQUINE PROFESSIONAL IF THE SPONSOR OR PROFESSIONAL:

12 (1) PROVIDED FAULTY EQUIPMENT OR TACK TO A PARTICIPANT AND
13 KNEW OR SHOULD HAVE KNOWN THAT THE EQUIPMENT OR TACK WAS FAULTY;

14 (2) PROVIDED AN EQUINE TO A PARTICIPANT AND FAILED TO MAKE A
15 REASONABLE EFFORT TO DETERMINE THE ABILITY OF THE PARTICIPANT TO SAFELY
16 MANAGE THE EQUINE, BASED ON THE PARTICIPANT'S REPRESENTATIONS;

17 (3) WAS IN LAWFUL POSSESSION AND CONTROL OF THE LAND OR
18 FACILITIES WHERE THE PARTICIPANT SUSTAINED INJURIES BECAUSE OF A
19 DANGEROUS CONDITION THAT WAS KNOWN TO THE EQUINE ACTIVITY SPONSOR OR
20 EQUINE PROFESSIONAL AND FOR WHICH WARNING SIGNS WERE NOT
21 CONSPICUOUSLY POSTED;

22 (4) WILLFULLY OR WANTONLY DISREGARDED THE SAFETY OF THE
23 PARTICIPANT; OR

24 (5) INTENTIONALLY INJURED THE PARTICIPANT.

25 (E) (1) AN EQUINE PROFESSIONAL SHALL POST A WARNING NOTICE OF THE
26 INHERENT RISKS OF THE EQUINE ACTIVITY AND THE LIMITATIONS ON THE
27 LIABILITY OF THE EQUINE PROFESSIONAL.

28 (2) THE WARNING NOTICE SHALL BE:

29 (I) POSTED IN A CLEARLY VISIBLE LOCATION ON OR NEAR A
30 STABLE, CORRAL, ARENA, OR OTHER AREA WHERE THE EQUINE PROFESSIONAL
31 CONDUCTS EQUINE ACTIVITIES; AND

32 (II) STATED IN EACH CONTRACT ENTERED INTO BY AN EQUINE
33 PROFESSIONAL TO PROVIDE SERVICES, EQUIPMENT, TACK, OR AN EQUINE TO A
34 PARTICIPANT IN AN EQUINE ACTIVITY, WHETHER OR NOT THE EQUINE ACTIVITY IS
35 CONDUCTED ON OR OFF THE PREMISES OF THE EQUINE PROFESSIONAL'S BUSINESS.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2001.