

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 960
Judiciary

(Delegates Edwards and James)

Equine Activities - Immunity from Civil Liability

This bill provides that, with specified exceptions, an equine activity sponsor or equine activity professional is not liable for negligently causing an injury, death, or other loss of an equine participant, as long as the sponsor or professional posts clearly visible notices of this limited liability and requires each participant to sign a statement that clearly sets out liability limits. The bill does not apply to professional horse racing.

Fiscal Summary

State Effect: To the extent that units of State government or State employees qualify as equine activity sponsors or professionals, the bill could reduce the State's liability exposure.

Local Effect: To the extent that units of local government or local government employees qualify as equine activity sponsors or professionals, the bill could reduce the liability exposure of local governments.

Small Business Effect: Potential meaningful. Equine activity sponsors, professionals, and participants could benefit from the bill's limitation of their liability.

Analysis

Bill Summary: "Equine activity" is defined to include shows, fairs, competitions, performances, parades, training, teaching, boarding, hunting, and any other activity in which an equine may be involved. "Equine activity sponsor" is defined as a person that organizes or provides facilities for an equine activity, either for profit or not for profit. "Equine professional" is defined as a person who, for compensation, instructs a

participant in an equine activity or who rents equipment or an equine to a participant. "Equine" means a horse, pony, mule, donkey, or hinny.

Civil liability is not limited if the equine activity sponsor or professional:

- acted with gross negligence, or willfully or wantonly disregarded the safety of a participant;
- intentionally injured a participant;
- knowingly provided faulty equipment or tack that led to the injury, death, or other loss; or
- failed to provide the required notice, and that failure led to the injury, death, or other loss.

Current Law: There are no current statutory provisions dealing with the liability of persons engaged in equine activities. However, the common law doctrine of assumption of risk may apply to these activities. Assumption of risk is a complete bar to a plaintiff's recovery and is grounded on the theory that a plaintiff who voluntarily consents, either expressly or impliedly, to exposure to a known risk cannot later sue for damages incurred from exposure to that risk.

Forty-four states have adopted some form of equine liability law.

Additional Information

Prior Introductions: Several similar bills relating to equine activities have been introduced in the past. SB 562 of 2001 and SB 713 of 1992 each received an unfavorable report from the Senate Judicial Proceedings Committee. HB 1076 of 1995 and HB 1234 of 1991 each received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Agriculture, Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2004
mh/jr

Analysis by: Rita A. Reimer

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

