

Exceptions

Any person (including but not limited to an equine activity sponsor or equine professional) is liable for damages caused by equine activities if:

- 1) the person provided faulty tack or equipment which caused the injury or damage, and knew or should have known that the tack or equipment was faulty;
- 2) the person provided the equine animal and did not make a reasonable and prudent effort to determine the ability of the participant to engage safely in the equine activity and safely manage the equine animal, taking into account the participant's representations of ability;
- 3) the injury or death was caused by a dangerous latent land condition for which warnings signs, written notices or verbal warnings were not conspicuously posted or provided, and the person knew of the condition, and the land was owned, leased or controlled by the person;
- 4) the person committed an act or omission causing injury with willful or wanton disregard for the participant's safety;
- 5) the person intentionally caused the injury or death.

Warnings

If an equine professional manages or controls a stable, corral or arena where the professional conducts an equine activity, the

professional is required to post a warning sign containing the following warning in a clearly visible location on or near the stable, corral, or arena:

WARNING

UNDER TEXAS LAW
(CHAPTER 87, CIVIL PRACTICE
AND REMEDIES CODE), 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.

An equine professional shall include the same warning in every written contract that the professional enters into with a participant for services, instruction, or the rental of an equine animal, tack or equipment.

Effective Date

The act is effective September 1, 1995, and only applies to damage, injury or death occurring on or after that date.

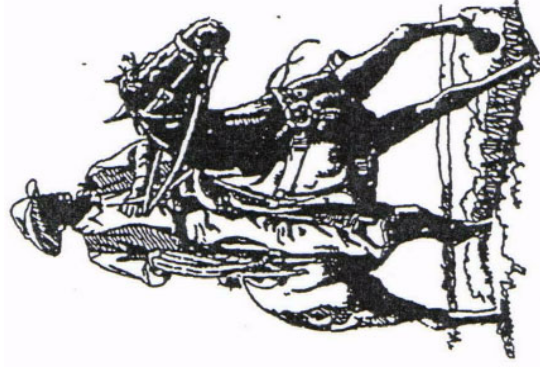
Legal Concerns

These general guidelines are designed merely to inform you of possible areas of concern, not to serve as legal advice. Competent legal counsel should be obtained for legal advice.

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7-26-95-NAM:dp

TEXAS FARM BUREAU



THE NEW EQUINE LIABILITY ACT

LIABILITY FOR EQUINE ACTIVITIES

The horse has long been an important part of Texas history and culture. Today the equine industry is an important part of

- anchoring and other interests. To promote
- and cultivate this important industry, the Texas Legislature has added Chapter 87 to
- the Civil Practice and Remedies Code to limit liabilities for equine activities.

Definitions in the Act

- "Equine animal" means a horse, pony, mule, donkey or nunny.
- "Equine activity" means;
 - an equine animal show, fair, competition, performance, or parade that involves any breed of equine animal and any equine discipline, including dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, driving, pulling, cutting, polo, steeplechasing, English and Western performance riding, endurance trail riding and Western games, and hunting;
 - equine training or teaching activities;
 - boarding equine animals;
 - riding, inspecting, or evaluating an equine animal belonging to another, without regard to whether the owner receives monetary consideration or other thing of value for the use of the animal or permits a prospective purchaser of the animal to ride, inspect, or evaluate the animal;
 - informal equine activity, including a ride, trip, or hunt that is sponsored by an activity sponsor;

an equine animal; or

g) without regard to whether the participants are compensated, rodeos and single event competitions, including team roping, calf roping, and single steer roping.

3) "Equine activity sponsor" means:

- a person or group who sponsors, organizes, or provides the facilities for an equine activity, including equine facilities for a pony club, 4-H club, hunt club, riding club, therapeutic riding program, or a high school or college class, program, or activity, without regard to whether the person operates for profit; or
- an operator of, instructor at, or promoter for equine facilities, including a stable, clubhouse, pony ride string, fair, or arena at which an equine activity is held.

4) "Equine professional" means a person engaged for compensation:

- to instruct a participant or rent to a participant an equine animal for the purpose of riding, driving, or being a passenger on the animal; or
- to rent equipment or tack to a participant.

5) "Participant" means a person who engages in an equine activity, without regard to whether the person is an amateur or professional or whether the person pays for the activity or participates in the activity for free. (Note: Chapter 87 specifically excludes activities regulated by the Texas Racing Commission).

6) "Engages in an equine activity" means riding, handling, training, driving, assisting

in the medical treatment of, being a passenger on, or assisting a participant or sponsor with an equine animal. The term includes management of a show involving equine animals. The term does not include being a spectator at an equine activity unless the spectator is in an unauthorized area and in immediate proximity to the equine activity.

Limitation on Liability

Except as provided below, there is no liability for property damage or damages arising from the personal injury or death of a participant in an equine activity, if the damage or injury results from a risk inherent in equine activities. Inherent risks include:

- the propensity of an animal to behave in a way that may cause injury, damage or death;
- the unpredictability of an animal's reaction to external stimuli;
- certain surface and subsurface conditions;
- collisions with objects or other animals, or
- the potential of a participant to act in a negligent manner contributing to the injury of the participant or another, including UK negligent failure of the participant to act within his or her ability or to maintain control over the animal.