

By: Representatives Eaton, Stringer, Holland To: Judiciary A

HOUSE BILL NO. 1171

1 AN ACT TO AMEND SECTIONS 95-11-3, 95-11-5 AND 95-11-7,
2 MISSISSIPPI CODE OF 1972, TO REVISE THE SCOPE OF THE LIABILITY
3 EXEMPTION FOR EQUINE ACTIVITIES; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 95-11-3, Mississippi Code of 1972, is
6 amended as follows:

7 95-11-3. As used in this chapter, the following words and
8 phrases shall have the meanings ascribed herein unless the context
9 clearly indicates otherwise:

10 (a) "Engages in an equine activity" means riding,
11 training, providing or assisting in providing medical treatment
12 of, driving, or being a passenger upon an equine, whether mounted
13 or unmounted, or any person assisting a participant or show
14 management. The term "engages in equine activity" does not
15 include being a spectator at an equine activity, except in cases
16 where the spectator places himself in an unauthorized area and in
17 immediate proximity to the equine activity.

18 (b) "Equine" means a horse, pony, mule, donkey or
19 hinny.

20 (c) "Equine activity" means:

21 (i) Equine shows, fairs, competitions,
22 performances or parades that involve any or all breeds of equines
23 and any of the equine disciplines, including, but not limited to,
24 dressage, hunter and jumper horse shows, grand prix jumping,
25 three-day events, combined training, rodeos, driving, pulling,
26 cutting, polo, steeplechasing, English and Western performance

27 riding, endurance trail riding, western games and hunting.

28 (ii) Equine training or teaching activities, or
29 both.

30 (iii) Boarding equines.

31 (iv) Riding, inspecting, or evaluating an equine
32 belonging to another, whether or not the owner has received some
33 monetary consideration or other thing of value for the use of the
34 equine or is permitting a prospective purchaser of the equine to
35 ride, inspect or evaluate the equine.

36 (v) Rides, trips, hunts, or other equine
37 activities of any type however informal or impromptu that are
38 sponsored by an equine activity sponsor.

39 (vi) Placing or replacing horseshoes on an equine.

40 (vii) Examining or administering medical treatment
41 to an equine by a veterinarian.

42 (d) "Equine activity sponsor" means an individual,
43 group, club, partnership, corporation, county, municipality or
44 political subdivision whether or not the sponsor is operating for
45 profit or nonprofit, which sponsors, organizes or provides the
46 facilities for an equine activity, including, but not limited to,
47 counties, municipalities, political subdivisions, pony clubs, 4-H
48 clubs, hunt clubs, riding clubs, school and college sponsored
49 classes, programs, and operators, instructors, and promoters of
50 equine facilities, including, but not limited to, stables,
51 clubhouses, pony ride strings, fairs and arenas at which the
52 activity is held.

53 (e) "Equine professional" means a person engaged for
54 compensation in:

55 (i) Instructing a participant or renting to a
56 participant, an equine for the purpose of riding, driving or being
57 a passenger upon the equine.

58 (ii) Renting equipment or tack to a participant.

59 (iii) Examining or administering medical treatment
60 to an equine as a veterinarian.

61 (f) "Inherent risks of equine activities" means those
62 dangers or conditions which are an integral part of equine
63 activities, including, but not limited to:

64 (i) The propensity of an equine to behave in ways
65 that may result in injury, harm or death to persons on or around
66 them.

67 (ii) The unpredictability of an equine's reaction
68 to such things as sounds, sudden movement and unfamiliar objects,
69 persons or other animals.

70 (iii) Certain hazards such as surface and
71 subsurface conditions.

72 (iv) Collisions with other equines or objects.

73 (v) The potential of a participant to act in a
74 negligent manner that may contribute to injury to the participant
75 or others, such as failing to maintain control over the animal or
76 not acting within his or her ability.

77 (g) "Participant" means any person, whether amateur or
78 professional, who engages in an equine activity, whether or not a
79 fee is paid to participate in the equine activity.

80 SECTION 2. Section 95-11-5, Mississippi Code of 1972, is
81 amended as follows:

82 95-11-5. (1) Except as provided in subsection (2) of this
83 section, an equine activity sponsor, an equine professional, or
84 any other person, which shall include a corporation, partnership,
85 county, municipality or political subdivision, shall not be liable
86 for an injury to or the death of a participant resulting from the
87 inherent risks of equine activities and, except as provided in
88 subsection (2) of this section, a participant's representative
89 shall not make any claim against, or recover from an equine
90 professional, or any other person for injury, loss, damage or
91 death of the participant resulting from any of the inherent risks
92 of equine activities.

93 (2) Nothing in subsection (1) of this section shall prevent
94 or limit the liability of an equine activity sponsor, county,
95 municipality, political subdivision, an equine professional or any
96 other person if the equine activity sponsor, equine professional

97 or person:

98 (a) (i) Provided the equipment or tack and knew or
99 should have known that the equipment or tack was faulty, and such
100 equipment or tack was faulty to the extent that it did cause the
101 injury.

102 (ii) Provided the equine and failed to make
103 reasonable and prudent efforts to determine the ability of the
104 participant to engage safely in the equine activity and to safely
105 manage the particular equine based on the participant's
106 representations of his ability.

107 (b) Owns, leases, rents or otherwise is in lawful
108 possession and control of the land or facilities upon which the
109 participant sustained injuries because of a dangerous latent
110 condition which was known or should have been known to the equine
111 activity sponsor, county, municipality, political subdivision,
112 equine professional or person, and for which warning signs have
113 not been conspicuously posted.

114 (c) Commits an act or omission that constitutes willful
115 or wanton disregard for the safety of the participant, and that
116 act or omission caused the injury.

117 (d) Intentionally injures the participant.

118 (3) Nothing in subsection (1) of this section shall prevent
119 or limit the liability of an equine activity sponsor, county,
120 municipality, political subdivision or an equine professional
121 under liability provisions as set forth in products liability
122 laws.

123 SECTION 3. Section 95-11-7, Mississippi Code of 1972, is
124 amended as follows:

125 95-11-7. (1) Every equine activity sponsor, county,
126 municipality, political subdivision and every equine professional
127 shall post and maintain signs which contain the warning notice
128 specified in subsection (2) of this section. Such signs shall be
129 placed in a clearly visible location on or near stables, corrals

130 or arenas where the equine activity sponsor, county, municipality,
131 political subdivision or the equine professional conducts equine
132 activities. The warning notice specified in subsection (2) of
133 this section shall appear on the sign in black letters, with each
134 letter to be a minimum of one (1) inch in height. Every written
135 contract entered into by an equine professional, county,
136 municipality, political subdivision or by an equine activity
137 sponsor for the providing of professional services, instruction or
138 the rental of equipment or tack, or an equine participant, whether
139 or not the contract involves equine activities on or off the
140 location or site of the equine activity sponsor's, county's,
141 municipality's, political subdivision's or the equine
142 professional's business, shall contain in clearly readable print
143 the warning notice specified in subsection (2) of this section.

144 (2) The signs and contracts described in subsection (1) of
145 this section shall contain the following warning notice:

146 WARNING:

147 Under Mississippi law, an equine activity, county,
148 municipality, political subdivision or equine sponsor is
149 not liable for an injury to or the death of a
150 participant in equine activities resulting from the
151 inherent risks of equine activities, pursuant to this
152 chapter.

153 (3) Failure to comply with the requirements concerning
154 warning signs and notices provided in this section shall prevent
155 an equine activity sponsor, county, municipality, political
156 subdivision or equine professional from invoking the privileges of
157 immunity provided by this chapter.

158 SECTION 4. This act shall take effect and be in force from
159 and after July 1, 1999.