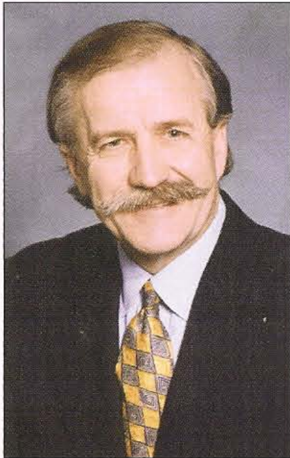
equine liability law



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ALTHOUGH THE OVERWHELMING MAJORITY OF STATES HAVE ENACTED SOME FORM of equine liability law, it would be a serious mistake to assume that the statutes provide unlimited immunity to horse owners. They do not. Generally speaking, the equine liability laws afford some measure of protection to owners of horses and others engaged in equine activities from liability arising from the "inherent risks of equine activities."

The definition of "inherent risks of equine activities" is usually included in each statute enacted by the various states, but often includes the following:

a. The propensity of equines to behave in ways that result in injury, harm or death to nearby persons.

b. The unpredictability of an equine's reaction to such phenomena as sounds, sudden movement and unfamiliar objects, persons or other animals.

c. Certain natural hazards, such as surface or subsurface ground conditions.

d. Collisions with other equines or with objects.

e. The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including but not limited to failing to maintain control over the equine or not acting within the participant's ability.

However the same statutes often include certain exceptions, such as:

a. Knowingly providing equipment or tack that is faulty to the extent that it causes or contributes to injury.

b. Failure to make reasonable and prudent efforts to determine the participant's ability to safely manage the particular equine, based on the participant's representation of his ability, or the representation of the guardian, or trainer of that person, if a minor.

c. A case in which the participant is injured or killed by a known dangerous latent condition on property owned or controlled by the equine activity operator and for which warning signs have not been posted.

d. An act or omission on the part of the operator that constitutes negligent disregard for the participant's safety, which act or omission causes the injury.

e. Intentional injuries to the participant caused by the operator.

As can be seen from the above list of exceptions, the equine liability statutes do not provide total immunity to lawsuits. As a matter of fact, most lawsuits that are filed involving personal injury from equine related activities include allegations of negligence or gross negligence against the horse owner/operator. The equine liability law will be of limited value if it is shown that the injury was not due to the inherent risk of equine activities, but instead, due to the negligence or gross negligence of the horse owner/operator.

Another area of liability commonly litigated is whether the horse trainer/operator failed to take reasonable measures to match the rider to a suitable mount. If a person is injured because a trainer "over-mounted" an inexperienced rider, the trainer will not be entitled to the protection of the statute. The trainer should make reasonable inquiry into the capabilities of the rider before allowing even a "test" ride. Of course, it should be obvious that a trainer will not be able to rely on the protections of the equine liability laws if he makes affirmative misrepresentations about the horse. If the owner/trainer advertises the horse as "bomb-proof" and it turns out that the horse had a history of blowing up, the owner/trainer would be hard pressed to find a sympathetic judge to apply the equine liability law.

Finally, it should be kept in mind that not all equine liability statutes are alike. Virtually every state has a slightly different version of the law and how it is interpreted and applied.

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