CS FOR HOUSE BILL NO. 479(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/19/96
Referred: Rules

Sponsor(s): REPRESENTATIVES G.DAVIS, Ogan

A BILL

FOR AN ACT ENTITLED

"An Act relating to civil liability for injuries or death resulting from equine activities."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. AS 09.65 is amended by adding a new section to read:

Sec. 09.65.145. IMMUNITY FOR INJURIES RESULTING FROM EQUINE ACTIVITIES. (a) Except as provided in (b) of this section, a person, and the personal representative of a person, who suffers an injury or death resulting from an inherent risk of an equine activity may not recover civil damages from an equine activity sponsor, an equine professional, or an equine owner.

(b) This section does not affect a civil action for damages resulting from

(1) gross negligence or reckless or intentional misconduct of the equine activity sponsor, equine professional, or equine owner, or agents or employees of the equine activity sponsor, equine professional, or equine owner;

(2) a dangerous latent condition that is known or should have been
known to the equine activity sponsor, equine professional, or equine owner and for
which warning signs have not been conspicuously posted if the equine activity sponsor,
equine professional, or equine owner owns, leases, rents, or is otherwise in lawful
possession and control of the land or facilities where the injury or injuries resulting in
death occurred;

(3) faulty or defective equipment, tack, or a product provided by the
equine activity sponsor, equine professional, or equine owner;

(4) the failure of the equine activity sponsor, equine professional, or
equine owner who provided the equine to make reasonable efforts to determine the
ability of the injured person to participate safely in the equine activity and to safely
manage the equine involved in the equine activity;

(5) injury or death of a spectator.

(c) In this section,

(1) "equine" means a horse, pony, mule, donkey, or hinny;

(2) "equine activity" means a show, fair, competition, performance, or
parade involving an equine, equine riding, inspecting, evaluating, boarding, training,
or teaching;

(3) "equine activity sponsor" means a person who provides an equine,
land, or facilities for an equine activity;

(4) "equine professional" means a person who receives compensation
for instructing during an equine activity, for sponsoring an equine activity, or for the
use of an equine;

(5) "inherent risk of an equine activity" means a danger or condition
that is an integral part of an equine activity, including

(A) the propensity of an equine to behave in a way that may
result in injury, harm, or death to a person on or around the equine;

(B) the unpredictability of an equine’s reaction to a sound,
sudden movement, or unfamiliar object, person, or other animal;

(C) collisions with other equines, objects, or a person; or

(D) the potential of a person to act in a negligent manner that
may contribute to injury to the person or others.
Sec. 2. This Act applies to a civil action that accrues on or after the effective date of this Act.