

**HOUSE BILL NO. 479**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE G.DAVIS**

**Introduced: 2/7/96**

**Referred: Labor and Commerce, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

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

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

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

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

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

11 (1) reckless or intentional misconduct of the equine activity sponsor or  
12 equine professional or agents or employees of the equine activity sponsor or equine  
13 professional; for purposes of this paragraph, "reckless" does not include gross  
14 negligence;

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

6 (3) equipment or tack provided by the equine activity sponsor or equine  
7 professional;

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

12 (5) injury or death of a spectator, or of a person who engages in an  
13 equine activity but does not ride, train, or drive an equine;

14 (6) a defective product.

15 (c) In this section,

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

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

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

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

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

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

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

30 (C) collisions with other equines or objects; or

31 (D) the potential of a person to act in a negligent manner that

1                    may contribute to injury to the person or others.

2        \* **Sec. 2.** This Act applies to a civil action that accrues on or after the effective date of this

3 Act.