

CS FOR HOUSE BILL NO. 479(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/8/96

Referred: Judiciary

Sponsor(s): REPRESENTATIVE G.DAVIS

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, an equine professional, or an equine owner.

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,
12 equine professional, or equine owner, or agents or employees of the equine activity
13 sponsor, equine professional, or equine owner; for purposes of this paragraph,
14 "reckless" does not include gross negligence;

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

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

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

13 (5) injury or death of a spectator.

14 (c) In this section,

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

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

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

21 (4) "equine professional" means a person who receives compensation
22 for instructing during an equine activity, for sponsoring an equine activity, or for the
23 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, objects, or a person; 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.