

BY REP. LEMAN

1 IN THE HOUSE

2

HOUSE BILL NO. 376

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to civil liability for injuries or  
7 death resulting from equine activities."

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

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

10 Sec. 09.65.145. CIVIL LIABILITY FOR INJURIES RESULTING FROM  
11 EQUINE ACTIVITIES. (a) Except as provided in (b) of this section, a  
12 person, and the personal representative of a person, who suffers an  
13 injury or death resulting from an equine activity may not recover  
14 civil damages from an equine activity sponsor or an equine profes-  
15 sional.

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

18 (1) reckless or intentional misconduct of the equine activ-  
19 ity sponsor or equine professional or agents or employees of the  
20 equine activity sponsor or equine professional;

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

27 (3) equipment or tack provided by the equine activity  
28 sponsor or equine professional;

29 (4) the failure of the equine activity sponsor or equine

1 professional who provided the equine to make reasonable efforts to  
2 determine the ability of the injured person to participate safely in  
3 the equine activity and to safely manage the equine involved in the  
4 equine activity;

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

8 (6) a defective product.

9 (c) In this section,

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

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

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

16 (4) "equine professional" means a person who receives  
17 compensation for instructing during an equine activity or compensation  
18 for the use of an equine.