

**HB**

**479**

# Alaska State Legislature


Interim:  
145 Main Street Loop #223  
Kenai, Alaska 99611  
(907) 283-7095  
(907) 283-3075 (fax)  
(907) 262-7574 (h)

Session:  
State Capitol  
Juneau, Alaska 99801  
(907) 465-2693  
(fax) (907) 465-3835

Representative Gary L. Davis

## MEMORANDUM

To: Senator Robin Taylor, Chairman  
Senate Judiciary Committee

From: Rep. Gary L. Davis 

Re: HB 479

Date: April 10, 1996

Enclosed is some additional information to accompany your packet on HB 479, "An Act relating to civil liability for injuries or death resulting from equine activities."

I would appreciate your consideration to hear this bill in the Senate Judiciary Committee at your earliest convenience.

April 8, 1996

Re: HB 479

The Honorable Robin Taylor  
State Capitol  
Juneau, Alaska 99801

Dear Senator Taylor:

This letter is in support of HB 479 which would limit liability for injuries or death resulting from equine activities.

There are people who would like to learn equestrian events such as jumping, rodeo events like barrel racing, team roping, calf roping, breakaway roping or to just learn to ride. Due to the nature of my business, I hear from people frequently who want to learn to rope or barrel race. I have taught a ground roping class at the community schools for the past three years. These individuals want to take it further and put what they have learned to horseback but I just can not allow them to come to my home to learn. My family and I have rodeoed for many years in Alaska and have helped many people by providing a place for them to learn in the past, but in this day and age the risk is just too great.

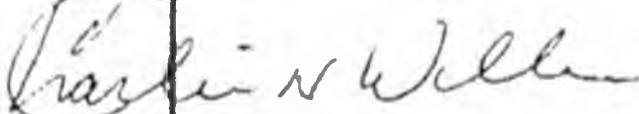
Until 1984, I had allowed people to come to my home and helped them to learn how to barrel race and/or team rope or to just provide a place for them to practice. It is common knowledge that equestrian/rodeo related activities have an element of risk involved. I had always appreciated people helping me learn the sport and felt I could also help others who had no place to go to learn. When an acquaintance asked if he could come out to practice, I was glad to accommodate. He ended up being taken to the hospital when his own horse fell with him and he sustained broken bones in the shoulder and leg. A few days later I found out he was suing me when an article appeared in the local paper. While it is true that many people would never consider doing such a thing, it is the few who would, and do, that ruin it for everyone. I, as a homeowner, can not afford the risk anymore. My insurance company took care of the lawsuit and it was eventually settled prior to actual trial, but they dropped my coverage on the arena itself leaving me no choice but to limit my facilities to my own use.

Willis to Senator Robin Taylor  
Page 2

It is a very sad fact that there are people who are out to get all they can at the expense of others with no remorse of how they can get it and taking no personal responsibility for their own actions. The proposed HB 479 would help tremendously for those of us who would like to provide a place for people to learn.

If you have any questions regarding this subject, feel free to contact me at (907)376-2668.

Sincerely,

A handwritten signature in cursive script that reads "Charlie M. Willis". The signature is written in dark ink and is positioned above the typed name.

Charlie M. Willis  
Owner/Operator  
CW Tack and Western Wear

Honorable Robin Taylor  
State Capitol  
Juneau, Alaska 99801

4/4/90

Dear Senator Taylor:

We are writing to express our sincere interest in the passing of House Bill Number 479. We are lifelong Alaskans in an equine related business. We provide the best insurance coverage possible at astronomical costs to us, yet still we feel extremely vulnerable to lawsuits. Please allow us to remain in business by helping in the passing of this bill. Thank you for your time.

Chester R. Rudeo

*Abby Rutherford*

Abby Rutherford  
HC01 Box 6225  
Palmer, Alaska 99645

APR 15 1996

March 28, 1996

To Whom it May Concern,

I heartily support the bill limiting liability for horse owners. Horses while domesticated and by nature gentle, are by their very size and the risks required of them inherently dangerous to people. Horse people need this legislation to protect our rights to a hobby or profession that brings with it a certain amount of risk not generally understood by the novice or non-horseman.

I graduated from Colorado State University in 1980 with a Bachelor of Science degree in the field of Animal Science. My specialty was horses and I received a Certified Riding Instructors rating upon completion of my studies. I have graduated and have participated in numerous riding seminars and professional clinics by both national and international horsemen. My training and my desire was to teach all aspects of riding and horse management on the Iberia Peninsula and I in fact fulfilled that dream in the years 1985-1991. I no longer teach not because I wanted to give it up but because the liability became so great that I could not own horses but only be a consultant. Some people enter their pasture unknown to me, become injured and sue me for damages.

Please give this matter your highest consideration. Many people are interested: those who own horses, professionals, and those who would like to become involved with horses but can not find anyone willing to not teaching them.

Thank you

Jane Hageman

Jane Hageman  
HC 1 Box 161C  
Soldotna, AK 99669  
(907) 262-0704

SOUTHCENTRAL HORSEMEN, INC.

P.O. Box 670034  
Chugak, AK 99567-0034  
907-688-7433

Sandy Shacklett  
Southcentral Horsemen, Inc.  
P.O. Box 670034  
Chugak, AK 99567-0034

April 1, 1996

Representative Diana Davis  
Sales Office, Room 416  
Ureka, AK 99801-1182

RE: Re: HB 479

Dear Representative Davis:

We would like to express our support for HB 479. As of those listed below feel that this bill would be harmful to the horse community as a whole. There are many activities that are abandoned due to the fear of suits by those who would otherwise engage in such activities.

Respectfully

Sandy Shacklett

Kelly WARD 694-6123

Brad deMontford 688-2917

Carol Wacksmitt 674-2741

Jan Chouksey 688-2119

Patricia Flanagan 688-2105

Doreen Payne 688-2111

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Representative Gary L. Davis

## MEMORANDUM

To: Senator Robin Taylor, Chairman  
Senate Judiciary Committee

From: Rep. Gary Davis 

Re: CSHB 479(JUD) "An Act relating to civil liability for injuries or death resulting from equine activities."

Date: March 27, 1996

Please consider CSHB 479(JUD) "An Act relating to civil liability for injuries or death resulting from equine activities," to be heard in the Senate Judiciary Committee at your earliest convenience.

This legislation is intended to protect owners of equines and professionals in the equine industry from frivolous lawsuits. This is justified because equines are inherently dangerous animals. Thirty-five states have already passed similar equine liability laws.

Please contact me if you have any questions on this legislation.  
Thank you for your consideration.

# Alaska State Legislature

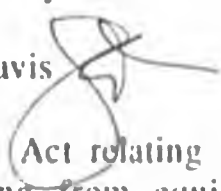
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Representative Gary L. Davis

## MEMORANDUM

To: Senator Robin Taylor, Chairman  
Senate Judiciary Committee

From: Rep. Gary Davis 

Re: HB 479, "An Act relating to civil liability for injuries or death resulting from equine activities."

Date: April 3, 1996

We recently discussed your concerns with HB 479 which has been referred to the Senate Judiciary Committee. As per your request, I have asked members of the equine industry for documentation showing a need for this type of legislation. Enclosed, you will find a variety of information describing situations of distress that seem to plague people involved in equine activities.

Many professionals in the equine industry have professed to me that they are frustrated due to the fact that Alaska still has not passed legislation like HB 479. Most other States have already passed a similar law.

Thank you for your consideration. Please contact me if you have any further questions or requests.

*Robin  
While this information is not  
the same as the one you  
sent me*

Representing House District 8  
Soldotna, Sterling, Funny River, Cooper Landing, Hope, Moose Pass, Seward

Thursday, April 25, 1985

Post-it® Fax Note	7671	Date	4-25-85	# of Pages	1
To	DARWIN	From	Charles W. Hill		
Co./Dept		Co.	Charles W. Hill		
Phone #		Phone #	907-376-2668		
Fax #		Fax #	907-572-2668		

**a man**  
 ice in a high-speed car chase  
 was found guilty Wednesday  
 of reckless driving, leading the  
 car with a revoked license,  
 by Bob Linton. The jury, which  
 acquitted Kulzer of local  
 records, Kulzer was  
 slammed into another vehicle  
 as Kulzer had evaded police for  
 cars off the road.

**Violations**  
 ms that he was shocked at a  
 onday against the club's  
 a \$50,000 lawsuit against Spa  
 that the facility's owners  
 violation of state and municipal  
 the suit. In July 1984, Patton  
 cked while standing over a  
 r at 5437 East Northern Lights  
 hock resulted from an exposed

**abuse case**  
 red bail Tuesday for an  
 with sexually abusing a 13-year-

old child. Judge Victor Carlson  
 24, released on \$2,500 bail. Cross' bail had previously been  
 set at \$5,000. Cross was indicted April 4 on charges of  
 second-degree sexual abuse of a minor.

**Innocent plea entered in shooting**

An Anchorage man charged with first-degree attempted  
 murder in the shooting of another man in a barroom fight  
 was arraigned Tuesday in Superior Court. Scott E.  
 Kirkpatrick, 28, pleaded not guilty before Judge Victor  
 Carlson. According to court records, the incident occurred  
 during the early evening hours of March 21, when the  
 victim, Tyree McCray, and another man were playing pool at  
 the Tiki Cove Lounge, 3001 Spenard Road. The two men  
 allegedly got into an argument in the bar before moving to  
 an alley behind the lounge where McCray was later found  
 with a single gunshot wound to the back of his neck. He is  
 currently listed in satisfactory condition at Providence  
 Hospital.

**Calf roper sues arena owner**

A man injured while roping a calf at a Wasilla arena filed  
 suit Monday against the arena's owner. Wayne Taylor filed  
 suit against Charles Wills, asking the court to award him  
 \$25,000 in compensatory damages. According to the suit,  
 Taylor was injured when a horse he was riding tripped and  
 fell while practicing calf roping at an arena located on  
 Wills' property.

*From Daily News staff reports*

**Denali National Park  
 might open by May 1**

Denali National Park and  
 Preserve hopes to open for  
 campers by May 1, according  
 to the National Park Service.

The road in the state's most  
 popular national park is ex-  
 pected to be passable to the  
 campground at Teklanika,  
 Mile 29, by the first of the  
 month — even though there  
 are now 18 foot snowdrifts  
 blocking portions of it on the  
 Teklanika Flats, said park  
 spokeswoman Jane Anderson.  
 Anderson is hopeful the  
 road would be open to Toklat,  
 Mile 53, by May 25, and to  
 Wonder Lake by early June.

Campgrounds in the park  
 will open as the road opens,  
 according to Anderson. The  
 Riley Creek, Savage and  
 Sanctuary campgrounds, in  
 addition to Teklanika, are ten-  
 tatively planned to open by  
 May 1, but some may lack  
 running water until late May  
 or early June, she said.

Private vehicles are per-

mitted on the park road  
 through May 24.

Other Denali visitors must  
 take the free shuttle bus from  
 park headquarters near the  
 George Parks Highway. The  
 shuttle buses will start run-  
 ning at 6 a.m. May 25 and  
 continue through Sept. 15, ac-  
 cording to Anderson.

Campground registration  
 will be required starting May  
 24 at 8 a.m. at the Riley Creek  
 Information Center at the  
 park. Campground registra-  
 tion will continue at 8 a.m.  
 daily through the summer,  
 Anderson said.

In an effort to avoid long  
 lines of tourists waiting to  
 register for campsites each  
 morning — as sometimes hap-  
 pened last year — Anderson  
 said the park service will  
 allow people to register for  
 camping spaces a day in ad-  
 vance if all campgrounds are  
 full and campsites are avail-  
 able the next day.

le School District

**International Fair**  
 Northway Mall

7 10 a.m. - 6 p.m.



# Classic Toys

*"Children you love deserve Classic Toys"*

## Opening May 1st!

We invite you to see our unique selection of European and American  
 Toys, Stuffed Bears, Dolls from Germany, Italy, France and Great Britain



**Farm & Ranch Supplies  
Health Foods**

281 Aspen Avenue  
Soldotna, AK 99669  
(907) 262-4698 FAX 262-6095

"More than just  
a feed store"

4/2/96

ATTN: Judiciary Chairman

Re: HB 479

I have not had any lawsuits because  
I have stopped allowing any activities with  
my horses. The threat of a frivolous suit  
has been enough to make me quit boarding,  
lessons, friendly rides.

I also have a retail store where  
might use the animals to promote sales.  
It were not for the lawsuit threat

Jimma Taylor

03-29-96

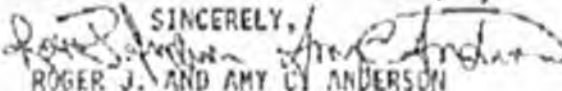
THE FOLLOWING LETTER IS IN CONSIDERATION OF JUDICIARY BILL HB479.

TO WHOM IT MAY CONCERN:

WE HAVE BEEN INVOLVED PROFESSIONALLY WITH EQUINES AND EQUESTRIAN ACTIVITIES IN THE STATE OF ALASKA FOR 19 YEARS. OUR EQUINE EXPERIENCE INCLUDES BUT IS NOT LIMITED TO-TRAINING, BREEDING, BOARDING, PROMOTIONS, FARRIER SERVICE, PRIVATE LESSONS, 4-H HORSE PROGRAM LEADERS, HORSE SHOWING, RODEO COMPETITION AND SPECIAL OLYMPICS EQUESTRIAN COACHING. DUE TO LITIGATION CONCERNS, AKA "THE INCREASE OF LAWSUIT HAPPY PEOPLE" WE HAVE PARED OUR INVOLVEMENT IN EQUINE ACTIVITIES CONSIDERABLY. WE NO LONGER OFFER RIDING LESSONS, TRAIN OR PROMOTE AS WE FEAR LAWSUITS, NOT DUE TO ANY NEGLIGENCE ON OUR PART BUT BECAUSE SO MANY IN OUR SOCIETY ARE WILLING TO SUE FOR MONETARY GAIN WHEN THE DAMAGE, IF ANY THAT OCCURS IS MINIMAL OR STEMS FROM THE INHERENT RISKS THAT EXIST ANY TIME YOU INTERACT WITH EQUINES. WE BOARD ON SHORT TERM OR EMERGENCY BASIS ONLY, HAVE TERMINATED OUR 4-H LEADERSHIP DUTIES AND HAVE PLACED SEVERED RESTRICTIONS ON OUR HANDICAPPED RIDERS AND THEIR FAMILIES. ALL THIS STEMS FROM THE LIABILITIES SURROUNDING EQUINE ACTIVITIES. LIABILITIES THAT HAVE INCREASED TEN FOLD OVER THE YEARS BECAUSE WE HAVE AMBITIOUS ATTORNEYS, GREEDY PEOPLE AND NOTHING IN THE STATE STATUTES TO PROTECT THOSE INVOLVED IN EQUINE ACTIVITIES. HB479 IS THE TYPE OF PROTECTION WE NEED.

WE HAVE BEEN INVOLVED PROFESSIONALLY IN EQUESTRIAN ACTIVITIES IN OREGON AND COLORADO, BOTH OF WHICH HAVE STATUTES ADDRESSING INHERENT RISKS INVOLVED IN EQUINE ACTIVITIES. THESE STATUTES ALLOW A COMFORT ZONE FOR EQUINE PROFESSIONALS WHO ARE NOT NEGLIGENT IN THEIR DUTIES.

MUCH MONEY IS GENERATED BY AND THROUGH INDIVIDUALS INVOLVED IN EQUINE ACTIVITIES IN THE STATE OF ALASKA. IT IS A STEADILY GROWING PART OF THIS STATES AGRICULTURAL ECONOMY. PLEASE CONSIDER AFFORDING THOSE INVOLVED SOME "COMMON SENSE" PROTECTION.

THANK-YOU FOR YOUR CONSIDERATION,  
SINCERELY,  
  
ROGER J. AND AMY C. ANDERSON  
4804 STRAWBERRY ROAD  
KENAI, ALASKA 99611 (907) 283-3414

ADDENDUM: IN 1990 I WAS RIDING IN A MOUNTED DRILL TEAM PERFORMANCE AT A STATE FAIR. MY HORSE FELL ON ME. MY LEG WAS FRACTURED. FOR EIGHT MONTH I ENDURED TREATMENT, THERAPY. LOSS OF WAGES, MENTAL AND EMOTIONAL ANGUISH. IF I HAD BEEN A "SUE HAPPY" INDIVIDUAL LOOKING FOR MONETARY GAIN AND NOT WILLING TO ACCEPT RESPONSIBILITY FOR MY ACTIONS AND INVOLVEMENT IN AN ACTIVITY THAT HAS INHERENT RISKS, THE FACT THAT HB 479 DID NOT EXIST WOULD HAVE MEANT A LAWSUIT AGAINST THE STATE. I ACTUALLY HAD AN ATTORNEY APPROACH ME AND PROMOTE HIS "DEEP POCKET" LAWSUIT SCENARIO! PLEASE PASS AND ENACT HB479.

SINCERELY,  
  
AMY C. ANDERSON

**STATE EQUINE LAWS**

<b>STATE</b>	<b>LAW PASSED</b>	<b>SIGNS POSTED</b>	<b>RELEASE W/WARNING</b>	<b>SPECIAL REQUIREMENTS</b>
Alabama	Yes	Yes	Yes	
Alaska	No			
Arizona	Yes	No	Yes	
Arkansas	Yes	Yes	No	
California	Pending			
Colorado	Yes	Yes	Yes	
Connecticut	Yes	No	No	
Delaware	Yes			
Florida	Yes	Yes	Yes	
Georgia	Yes	Yes	Yes	
Hawaii	Yes	No	No	
Idaho	Yes	No	No	
Illinois	Yes	Yes	Yes	
Indiana	Yes	Yes	Yes	
Iowa	No			
Kansas	Yes	Yes	Yes	
Kentucky	Pending			
Louisiana	Yes	Yes	Yes	
Maine	Yes	No	Yes	
Maryland	No			
Massachusetts	Yes	Yes	Yes	
Michigan	Yes	Yes	Yes	
Minnesota	Yes	Yes	No	Non-riding licenses only
Mississippi	Yes	Yes	Yes	Also creates volunteer opportunities
Missouri	Yes	Yes	Yes	
Montana	Yes	No	No	
Nebraska	Pending			
Nevada	No			
New Hampshire	No			
New Jersey	Pending			
New Mexico	Yes	Yes	No	
New York	Pending			
North Carolina	Pending			

**STATE EQUINE LAWS**

<b>STATE</b>	<b>LAW PASSED</b>	<b>SIGNS POSTED</b>	<b>RELEASE W/WARNING</b>	<b>SPECIAL REQUIREMENTS</b>
North Dakota	Yes	No	No	
Ohio	No			
Oklahoma	Pending			
Oregon	Yes	No	Yes	Immunities apply to adult participants
Pennsylvania	Pending			
Rhode Island	Yes	Yes	Yes	
South Carolina	Yes	Yes	Yes	
South Dakota	Yes	Yes	No	
Tennessee	Yes	Yes	Yes	
Texas	Yes	Yes	Yes	
Utah	Yes	No	No	
Vermont	Pending			
Virginia	Yes	No	Yes	
Washington	Yes	No	No	
West Virginia	Yes	No	*No	Participants must sign statement.
Wisconsin	Yes	No	No	
Wyoming	Yes	No	No	
<b>TOTALS</b>	<b>PASSED: 35</b>	<b>PENDING: 9</b>	<b>NO: 6</b>	