EQUINE ACTIVITY LIABILITY ACT

Act 351 of 1994

AN ACT to regulate civil liability related to equine activities; and to prescribe certain duties for equine professionals.

History: 1994, Act 351, Eff. Mar. 30, 1995

The People of the State of Michigan enact:

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691.1661 Short title.

Sec. 1.

This act shall be known and may be cited as the "equine activity liability act".

History: 1994, Act 351, Eff. Mar. 30, 1995

691.1662 Definitions.

Sec. 2.

As used in this act:

(a) "Engage in an equine activity" means riding, training, driving, breeding, being a passenger upon, or providing or assisting in veterinary treatment of an equine, whether mounted or unmounted. Engage in an equine activity includes visiting, touring, or utilizing an equine facility as part of an organized event or activity including the breeding of equines, or assisting a participant or show management. Engage in equine activity does not include spectating at an equine activity, unless the spectator places himself or herself in an unauthorized area and in immediate proximity to the equine activity.

(b) "Equine" means horse, pony, mule, donkey, or hinny.

(c) "Equine activity" means any of the following:

(i) An equine show, fair, competition, performance, or parade including, but not limited to, dressage, a hunter and jumper horse show, grand prix jumping, a 3-day event, combined training, a rodeo, riding, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding, gymkhana games, and hunting.

(ii) Equine training or teaching activities.

(iii) Boarding equines, including their normal daily care.

(iv) Breeding equines, including the normal daily care and activities associated with breeding equines.

(v) Riding, inspecting, or evaluating an equine belonging to another, whether or not the owner receives monetary consideration or another thing of value for the use of the equine or is permitting a prospective purchaser of the equine or an agent to ride, inspect, or evaluate the equine.

(vi) A ride, trip, hunt, or other activity, however informal or impromptu, that is sponsored by an equine activity sponsor.

(vii) Placing or replacing a horseshoe on or hoof trimming of an equine.

(d) "Equine activity sponsor" means an individual, group, club, partnership, or corporation, whether or not operating for profit, that sponsors, organizes, or provides the facilities for an

equine activity, including, but not limited to, a pony club; 4-H club; hunt club; riding club; school- or college-sponsored class, program, or activity; therapeutic riding program; stable or farm owner; and operator, instructor, or promoter of an equine facility including, but not limited to, a stable, clubhouse, ponyride string, fair, or arena at which the equine activity is held.

(e) "Equine professional" means a person engaged in any of the following for compensation:

(i) Instructing a participant in an equine activity.

(ii) Renting an equine, equipment, or tack to a participant.

(iii) Providing daily care of horses boarded at an equine facility.

(iv) Training an equine.

(v) Breeding of equines for resale or stock replenishment.

(f) "Inherent risk of an equine activity" means a danger or condition that is an integral part of an equine activity, including, but not limited to, any of the following:

(i) An equine's propensity to behave in ways that may result in injury, harm, or death to a person on or around it.

(ii) The unpredictability of an equine's reaction to things such as sounds, sudden movement, and people, other animals, or unfamiliar objects.

(iii) A hazard such as a surface or subsurface condition.

(iv) Colliding with another equine or object.

(g) "Participant" means an individual, whether amateur or professional, engaged in an equine activity, whether or not a fee is paid to participate.

History: 1994, Act 351, Eff. Mar. 30, 1995

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691.1663 Injury, death, or property damage; liability.

Sec. 3.

Except as otherwise provided in section 5, an equine activity sponsor, an equine professional, or another person is not liable for an injury to or the death of a participant or property damage resulting from an inherent risk of an equine activity. Except as otherwise provided in section 5, a participant or participant's representative shall not make a claim for, or recover, civil damages from an equine activity sponsor, an equine professional, or another person for injury to or the death of the participant or property damage resulting from an inherent risk of an equine activity.

History: 1994, Act 351, Eff. Mar. 30, 1995

691.1664 Liability; exception; waiver.

Sec. 4.

(1) This act does not apply to a horse race meeting that is regulated by the racing law of 1980, Act No. 327 of the Public Acts of 1980, being sections 431.61 to 431.88 of the Michigan Compiled Laws.

(2) Two persons may agree in writing to a waiver of liability beyond the provisions of this act and such waiver shall be valid and binding by its terms.

History: 1994, Act 351, Eff. Mar. 30, 1995

691.1665 Liability not prevented or limited; conditions.

Sec. 5.

Section 3 does not prevent or limit the liability of an equine activity sponsor, equine professional, or another person if the equine activity sponsor, equine professional, or other person does any of the following:

(a) Provides equipment or tack and knows or should know that the equipment or tack is faulty, and the equipment or tack is faulty to the extent that it is a proximate cause of the injury, death, or damage.

(b) Provides an equine and fails to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity and to determine the ability of the participant to safely manage the particular equine. A person shall not rely upon a participant's representations of his or her ability unless these representations are supported by reasonably sufficient detail.

(c) Owns, leases, rents, has authorized use of, or otherwise is in lawful possession and control of land or facilities on which the participant sustained injury because of a dangerous latent condition of the land or facilities that is known to the equine activity sponsor, equine professional, or other person and for which warning signs are not conspicuously posted.

(d) If the person is an equine activity sponsor or equine professional, commits an act or omission that constitutes a willful or wanton disregard for the safety of the participant, and that is a proximate cause of the injury, death, or damage.

(e) If the person is not an equine activity sponsor or equine professional, commits a negligent act or omission that constitutes a proximate cause of the injury, death, or damage.

History: 1994, Act 351, Eff. Mar. 30, 1995 ;-- Am. 2015, Act 87, Eff. Sept. 21, 2015

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691.1666 Notice; posting and maintenance of signs; contract; contents of notice.

Sec. 6.

(1) An equine professional shall post and maintain signs that contain the warning notice set forth in subsection (3). The signs shall be placed in a clearly visible location in close proximity to the equine activity. The warning notice shall appear on the sign in conspicuous letters no less than 1 inch in height.

(2) A written contract entered into by an equine professional for providing professional services, instruction, or rental of equipment, tack, or an equine to a participant, whether or not the contract involves an equine activity on or off the location or site of the equine professional's business, shall contain in clearly readable print the warning notice set forth in subsection (3).

(3) A sign or contract described in this section shall contain substantially the following warning notice:

WARNING

Under the Michigan equine activity liability act, an equine professional is not liable for an injury to or the death of a participant in an equine activity resulting from an inherent risk of the equine activity.

History: 1994, Act 351, Eff. Mar. 30, 1995

691.1667 Applicability of act.

Sec. 7.

This act applies only to a cause of action filed on or after the effective date of this act.

History: 1994, Act 351, Eff. Mar. 30, 1995

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