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relating to limiting the liability of certain persons for equine activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 87 to read as follows:

## CHAPTER 87. LIABILITY FOR EQUINE ACTIVITIES

Sec. 87.001. DEFINITIONS.

In this chapter:

(1) "Engages in an equine activity" means riding, handling, training, driving, assisting in the medical treatment of, being a passenger on, or assisting a participant or sponsor with an equine animal. The term includes management of a show involving equine animals. The term does not include being a spectator at an equine activity unless the spectator is in an unauthorized area and in immediate proximity to the equine activity.

(2) "Equine animal" means a horse, pony, mule, donkey, or hinny.

(3) "Equine activity" means:

(A) an equine animal show, fair, competition, performance, or parade that involves any breed of equine animal and any equine discipline, including dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, driving, pulling, cutting, polo, steeplechasing, English and Western performance riding, endurance trail riding and Western games, and hunting;

(B) equine training or teaching activities;

(C) boarding equine animals;

(D) riding, inspecting, or evaluating an equine animal belonging to another, without regard to whether the owner receives monetary consideration or other thing of value for the use of the equine animal or permits a prospective purchaser of the equine animal to ride, inspect, or evaluate the equine animal;

(E) informal equine activity, including a ride, trip, or hunt that is sponsored by an equine activity sponsor;

(F) placing or replacing horseshoes on an equine animal; or

(G) without regard to whether the participants are compensated, rodeos and single event competitions, including team roping, calf roping, and single steer roping.

(4) "Equine activity sponsor" means:

(A) a person or group who sponsors, organizes, or provides the facilities for an equine activity, including equine facilities for a pony club, 4-H club, hunt club, riding club, therapeutic riding program, or high school or college class, program, or activity, without regard to whether the person operates for profit; or

(B) an operator of, instructor at, or promoter for equine facilities, including a stable, clubhouse, pony ride string, fair, or arena at which an equine activity is held.

(5) "Equine professional" means a person engaged for compensation:

(A) to instruct a participant or rent to a participant an equine animal for the purpose of riding, driving, or being a passenger on the equine animal; or

(B) to rent equipment or tack to a participant.

(6) "Participant" means a person who engages in an equine activity, without regard to whether the person is an amateur or professional or whether the person pays for the activity or participates in the activity for free.

Sec. 87.002. APPLICABILITY OF CHAPTER.

This chapter does not apply to an activity regulated by the Texas Racing Commission.

Sec. 87.003. LIMITATION ON LIABILITY.

Except as provided by Section 87.004, any person, including an equine activity sponsor or an equine professional, is not liable for property damage or damages arising from the personal injury or death of a participant if the property damage, injury, or death results from the dangers or conditions that are an inherent risk of equine activity, including:

(1) the propensity of an equine animal to behave in ways that may result in personal injury or death to a person on or around it;

- (2) the unpredictability of an equine animal's reaction to sound, a sudden movement, or an unfamiliar object, person, or other animal;
- (3) certain land conditions and hazards, including surface and subsurface conditions;
- (4) a collision with another animal or an object; or
- (5) the potential of a participant to act in a negligent manner that may contribute to injury to the participant or another, including failing to maintain control over the equine animal or not acting within the participant's ability.

#### Sec. 87.004. EXCEPTIONS TO LIMITATION ON LIABILITY.

A person, including an equine activity sponsor or an equine professional, is liable for property damage or damages arising from the personal injury or death caused by a participant in an equine activity if:

- (1) the injury or death was caused by faulty equipment or tack used in the equine activity, the person provided the equipment or tack, and the person knew or should have known that the equipment or tack was faulty;
- (2) the person provided the equine animal and the person did not make a reasonable and prudent effort to determine the ability of the participant to engage safely in the equine activity and determine the ability of the participant to safely manage the equine animal, taking into account the participant's representations of ability;
- (3) the injury or death was caused by a dangerous latent condition of land for which warning signs, written notices, or verbal warnings were not conspicuously posted or provided to the participant, and the land was owned, leased, or otherwise under the control of the person at the time of the injury or death and the person knew of the dangerous latent condition;
- (4) the person committed an act or omission with willful or wanton disregard for the safety of the participant and that act or omission caused the injury; or
- (5) the person intentionally caused the injury or death.

#### Sec. 87.005. WARNING NOTICE.

(a) An equine professional shall post and maintain a sign that contains the warning contained in Subsection (c) if the professional manages or controls a stable, corral, or arena where the professional conducts an equine activity.

The professional must post the sign in a clearly visible location on or near the stable, corral, or arena.

(b) An equine professional shall include the warning contained in Subsection (c) in every written contract that the professional enters into with a participant for professional services, instruction, or the rental of equipment or tack or an equine animal. The warning must be included without regard to whether the contract involves equine activities on or off the location or site of the business of the equine professional. The warning must be clearly readable.

(c) The warning must be as follows:

WARNING
UNDER TEXAS LAW (CHAPTER 87, CIVIL PRACTICE AND REMEDIES CODE), AN EQUINE PROFESSIONAL IS NOT LIABLE FOR AN INJURY TO OR THE DEATH OF A PARTICIPANT IN EQUINE ACTIVITIES RESULTING FROM THE INHERENT RISKS OF EQUINE ACTIVITIES.

## SECTION 2.

This Act takes effect September 1, 1995, and applies only to a cause of action accruing on or after that date. A cause of action accruing before the effective date of this Act is governed by the law in effect at the time the action accrued, and that law is continued for that purpose.