



1995 SENATE BILL 478

January 9, 1996 - Introduced by Senators ZIEN, A. LASEE, SCHULTZ and ELLIS, cosponsored by Representatives SKINDRUD, GRONEMUS, BRANCEL, OURADA, HARS DORF, JOHNSRUD, WILDER, KREIBICH, GOETSCH, OTTE, MUSSER, SERATTI, GROTHMAN and OLSEN. Referred to Committee on Judiciary.

1 **AN ACT to create** 895.481 of the statutes; **relating to:** limitation of civil liability
2 related to equine activities.

Analysis by the Legislative Reference Bureau

This bill gives a person participating in an equine activity (related to horses, ponies, mules and other equines) immunity from civil liability for his or her acts or omissions if another person is injured or killed as a result of an inherent risk of an equine activity. Under the bill, an inherent risk of an equine activity is any condition that is an integral part of an equine activity, including the unpredictability of the animal's behavior, the failure of a rider to control an animal or a collision with an object or another animal.

The immunity created in this bill does not apply if a person provides equine equipment that he or she knew or should have known was faulty. The immunity does not apply if a person provides an equine to a person without making a reasonable effort to determine the person's ability to safely manage the equine. The immunity does not apply to a person who acts in a wilful or wanton disregard for the safety of a person or who intentionally causes the person's injury or death.

The bill requires persons who, for compensation, rent equines or their equipment or provide instruction in riding, to have a notice in a clearly visible location explaining the immunity provided in this bill and to have the same language in any contract used in his or her equine rental business.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 895.481 of the statutes is created to read:
4 **895.481 Civil liability exemption; equine activities.** (1) In this section:

1 (a) “Equine” means a donkey, hinny, horse, mule or pony.

2 (b) “Equine activity” means any of the following:

3 1. Shows, fairs, competitions, performances or parades that involve any breeds
4 of equines and any equine disciplines, including combined training, competitive trail
5 riding, cutting, dressage, driving, endurance trail riding, English or western
6 performance riding, grand prix jumping, horse racing, hunter and jumper shows,
7 hunting, polo, pulling, rodeos, 3-day events and western games.

8 2. Equine training or teaching.

9 3. Boarding of equines.

10 4. Riding, inspecting or evaluating an equine belonging to another, regardless
11 of whether the owner of the equine receives monetary or other consideration for the
12 use of the equine or permits the riding, inspection or evaluation of the equine.

13 5. Riding, training or driving an equine or being a passenger on an equine.

14 6. Riding, training or driving a vehicle pulled by an equine or being a passenger
15 on a vehicle pulled by an equine.

16 7. Assisting in the medical treatment of an equine.

17 8. Shoeing of an equine.

18 9. Assisting a person participating in an activity listed in subds. 1. to 8.

19 (c) “Equine activity sponsor” means a person, whether operating for profit or
20 nonprofit, who organizes or provides the facilities for an equine activity, including
21 owners or operators of arenas, clubs, fairs, schools, stables and therapeutic riding
22 programs.

23 (d) “Equine professional” means a person engaged for compensation in the
24 rental of equines or equine equipment or tack or in the instruction of a person in the
25 riding or driving of an equine or in being a passenger upon an equine.

1 (e) "Inherent risk of equine activities" means a danger or condition that is an
2 integral part of equine activities, including all of the following:

3 1. The propensity of an equine to behave in a way that may result in injury or
4 death to a person on or near it.

5 2. The unpredictability of an equine's reaction to a sound, movement or
6 unfamiliar object, person or animal.

7 3. A collision with an object or another animal.

8 4. The potential for a person participating in an equine activity to act in a
9 negligent manner, to fail to control the equine or to not act within his or her ability.

10 5. Natural hazards, including surface and subsurface conditions.

11 (f) "Property" means real property and buildings, structures and improvements
12 on the real property.

13 **(2)** Except as provided in subs. (3) and (6), a person, including an equine
14 activity sponsor or an equine professional, is immune from civil liability for acts or
15 omissions related to his or her participation in equine activities if a person
16 participating in the equine activity is injured or killed as the result of an inherent
17 risk of equine activities.

18 **(3)** The immunity under sub. (2) does not apply if the person seeking immunity
19 does any of the following:

20 (a) Provides equipment or tack that he or she knew or should have known was
21 faulty.

22 (b) Provides an equine to a person and fails to make a reasonable effort to
23 determine the ability of the person to engage safely in an equine activity or to safely
24 manage the particular equine provided based on the person's representations of his
25 or her ability.

1 (c) Fails to conspicuously post warning signs of a dangerous inconspicuous
2 condition known to him or her on the property that he or she owns, leases, rents or
3 is otherwise in lawful control of or possession.

4 (d) Acts in a wilful or wanton disregard for the safety of the person.

5 (e) Intentionally causes the injury or death.

6 **(4)** Every equine professional shall post and maintain signs in a clearly visible
7 location on or near stables, corrals or arenas owned, operated or controlled by the
8 equine professional. The signs shall be white with black lettering, each letter a
9 minimum of one inch in height, and shall contain the following notice: "NOTICE: A
10 person who is engaged for compensation in the rental of equines or equine equipment
11 or tack or in the instruction of a person in the riding or driving of an equine or in being
12 a passenger upon an equine is not liable for the injury or death of a person involved
13 in equine activities resulting from the inherent risks of equine activities, as defined
14 in section 895.481 (1) (e) of the Wisconsin Statutes."

15 **(5)** If an equine professional uses a written contract for the rental of equines
16 or equine equipment or tack or for the instruction of a person in the riding, driving
17 or being a passenger upon an equine, the contract shall contain the notice set forth
18 in sub. (4) in clearly readable bold print of not less than the same size as the print
19 used in the remainder of the contract.

20 **(6)** This section does not limit the liability of a person under any applicable
21 products liability laws.

22 **(7)** This section does not limit the immunity created under s. 895.52.

23 **SECTION 2. Initial applicability.**

24 (1) This act first applies to equine activities occurring on the effective date of
25 this subsection.

