6-1801. DEFINITIONS. As used in this chapter:

(1) "Engages in an equine activity" means a person who rides, trains, drives or is a passenger upon an equine, whether mounted or unmounted, and does not mean a spectator at an equine activity or a person who participates in the equine activity but does not ride, train, drive or ride as a passenger upon an equine.

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

(3) "Equine activity" means:

(a) Equine shows, fairs, competitions, performances or parades that involve any or all breeds of equines and any of the equine disciplines including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three (3) day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, endurance trail riding and western games, and hunting;

(b) Equine training and/or teaching activities;

(c) Boarding equines;

(d) Riding, inspecting or evaluating an equine belonging to another whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect or evaluate the equine; and

(e) Rides, trips, hunts or other equine activities of any type however informal or impromptu that are sponsored by an equine activity sponsor.

(4) "Equine activity sponsor" means an individual, group or club, partnership or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes or provides the facilities for an equine activity including, but not limited to, pony clubs, 4-H clubs, hunt clubs, riding clubs, school and college sponsored classes and programs, therapeutic riding programs, and operators, instructors and promoters of equine facilities including, but not limited to, stables, clubhouses, ponyride strings, fairs and arenas at which the activity is held.

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

(a) Instructing a participant or renting to a participant an equine for the purpose of riding, driving or being a passenger upon the equine; or

(b) Renting equipment or tack to a participant.

(6) "Participant" means any person, whether amateur or professional, who directly engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

[6-1801, added 1990, ch. 40, sec. 1, p. 62.]

6-1802. LIMITATION OF LIABILITY ON EQUINE ACTIVITIES. (1) Except as provided in subsections (2) and (3) of this section, an equine activity sponsor or an equine professional shall not be liable for any injury to or the death of a participant or equine engaged in an equine activity and, except as provided in subsections (2) and (3) of this section, no participant nor participant's representative may maintain an action against or recover from
an equine activity sponsor or an equine professional for an injury to or the
death of a participant or equine engaged in an equine activity.

(2) The provisions of this chapter do not apply to the horse or mule rac-
ing industry as regulated in chapter 25, title 54, Idaho Code.

(3) Nothing in subsection (1) of this section shall prevent or limit the
liability of an equine activity sponsor or an equine professional:
(a) If the equine activity sponsor or the equine professional:
   (i) Provided the equipment or tack and the equipment or tack
       caused the injury; or
   (ii) Provided the equine and failed to make reasonable and pru-
       dent efforts to determine the ability of the participant to engage
       safely in the equine activity, determine the ability of the equine
       to behave safely with the participant, and to determine the abil-
       ity of the participant to safely manage the particular equine;
   (iii) Owns, leases, rents or otherwise is in lawful possession
       and control of the land or facilities upon which the participant or
       equine sustained injuries because of a dangerous latent condition
       which was known to or should have been known to the equine activ-
       ity sponsor or the equine professional and for which warning signs
       have not been conspicuously posted;
   (iv) Commits an act or omission that constitutes willful or wanton
       disregard for the safety of the participant or equine and that act
       or omission caused the injury;
   (v) Intentionally injures the participant or equine;
(b) Under liability provisions as set forth in the products liability
    laws; or
(c) Under the liability provisions set forth in chapter 9, title 6,
    Idaho Code.

[6-1802, added 1990, ch. 40, sec. 1, p. 61; am. 1998, ch. 296, sec. 1, p. 979.]