

TITLE 6
ACTIONS IN PARTICULAR CASES

CHAPTER 18
EQUINE ACTIVITIES IMMUNITY ACT

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 racing 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 prudent 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 ability 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 activity 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.]