

No. 2005-93

AN ACT

SB 618

Providing for immunity for equine owners, possessors or handlers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Scope.

This act shall apply to an individual, group, club or business entity that sponsors, organizes, conducts or provides the facilities for an equine activity as defined in this act.

Section 2. Immunity.

(a) Assumption of risk.—As to those within the scope of this act, liability for negligence shall only be barred where the doctrine of knowing voluntary assumption of risk is proven with respect to damages due to injuries or death to an adult participant resulting from equine activities.

(b) Equine activities.—For the purposes of this act, immunity shall apply where an equine is utilized in the following manner:

(1) Equine training, teaching, riding instruction, shows, fairs, parades, competitions or performances which involve breeds of equine participating in an activity. This paragraph shall include, but not be limited to, dressage, hunter and jumper shows, Grand Prix jumping, three-day eventing, combined training, rodeos, reining, cutting, team penning and sorting, driving, pulling, barrel racing, steeplechasing, English and Western performance riding and endurance and nonendurance trail riding. This paragraph shall also include Western games, gymkhana, hunting, packing, therapeutic riding and driving and recreational riding.

(2) Equine or rider and driver training, teaching, instruction or evaluation. This paragraph includes clinics, seminars and demonstrations.

(3) Boarding equines, including normal daily care.

(4) Breeding equines, whether by live cover or artificial insemination.

(5) Inspecting, riding or evaluating an equine belonging to another by a purchaser or agent, whether or not the owner of the equine has received anything of value for the use of the equine or is permitting a prospective purchaser or a purchaser's agent to ride, drive, inspect or evaluate the equine.

(6) Recreational rides or drives which involve riding or other activity involving the use of an equine.

(7) Placing, removing or replacing of horseshoes or the trimming of an equine's hooves.

(8) Leading, handling or grooming of an equine.

Section 3. Signing.

This act shall provide immunity only where signing is conspicuously posted on the premises on a sign at least three feet by two feet, in two or more locations, which states the following:

You assume the risk of equine activities pursuant to Pennsylvania law.

Section 4. Equine propensity.

Evidence of viciousness of the equine shall not be required before a possessor of an equine shall be subject to liability for harm.

Section 5. Effect on other laws.

This act shall not affect common law or any statute for the protection of the user of the equine. In no event shall this act apply to any matter involving a motor vehicle covered by 75 Pa.C.S. Ch. 17 (relating to financial responsibility) or a successor act or to any non-equine-related activity or entity.

Section 6. Construction.

The immunity provided for by this act shall be narrowly construed.

Section 7. Effective date.

This act shall take effect in 60 days.

APPROVED—The 22nd day of December, A.D. 2005.

EDWARD G. RENDELL