

Indiana Equine Activity Statute

BURNS INDIANA STATUTES ANNOTATED

TITLE 34. CIVIL PROCEDURE

ARTICLE 4. SPECIAL PROCEEDINGS

CHAPTER 44. LIABILITY ARISING FROM EQUINE ACTIVITIES

Burns Ind. Code Ann. s 34-4-44-1 (1995)

s 34-4-44-1. "Equine" defined

As used in this chapter, "equine" means a horse, pony, mule, donkey, or hinny.

s 34-4-44-2. "Equine activity" defined

(a) As used in this chapter, "equine activity" includes the following:

(1) Equine shows, fairs, competitions, performances, or parades that involve equines and any of the equine disciplines, including dressage, hunter and jumper horse shows, grand prix jumping, three (3) day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding and western games, and hunting.

(2) Equine training or teaching activities.

(3) Boarding equines.

(4) Riding, driving, inspecting, or evaluating an equine, whether or not monetary consideration or anything of value is exchanged.

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

(6) Placing or replacing horseshoes on an equine.

(b) The term does not include being a spectator at an equine activity.

s 34-4-44-3. "Equine activity sponsor" defined

As used in this chapter, "equine activity sponsor" means a person who sponsors, organizes, or provides facilities for an equine activity.

s 34-4-44-4. "Equine professional" defined

As used in this chapter, "equine professional" means a person who, for compensation:

- (1) Instructs a participant on riding, driving, or being a passenger upon an equine;
- (2) Rents to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine; or
- (3) Rents equipment or tack to a participant.

s 34-4-44-5. "Inherent risks of equine activities" defined

As used in this chapter, "inherent risks of equine activities" means the dangers or conditions that are an integral part of equine activities, including the following:

- (1) The propensity of an equine to behave in ways that may result in injury, harm, or death to persons on or around the equine.
- (2) The unpredictability of an equine's reaction to such things as sound, sudden movement, unfamiliar objects, people, or other animals.
- (3) Hazards such as surface and subsurface conditions.
- (4) Collisions with other equines or objects.
- (5) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within the participant's ability.

s 34-4-44-6. "Participant" defined

As used in this chapter, "participant" means a person, whether an amateur or a professional, who engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

s 34-4-44-7. "Person" defined

As used in this chapter, "person" means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

s 34-4-44-8. Limited liability of equine activity sponsor or equine professional

(a) Subject to section 9 [IC 34-4-44-9] of this chapter, an equine activity sponsor or equine professional is not liable for:

- (1) An injury to a participant; or
- (2) The death of a participant;

resulting from an inherent risk of equine activities.

(b) Subject to section 9 of this chapter, a participant or participant's representative may not make a claim against, maintain an action against, or recover from an equine activity sponsor or equine professional for injury, loss, damage, or death of the participant resulting from an inherent risk of equine activities.

s 34-4-44-9. Exceptions to limited liability

(a) This section does not apply to the horse racing industry.

(b) Section 8 [IC 34-4-44-8] of this chapter does not prevent or limit the liability of an equine activity sponsor or an equine professional:

(1) Who:

(A) Provided equipment or tack that was faulty and that caused the injury; and

(B) Knew or should have known that the equipment or tack was faulty;

(2) Who provided the equine and failed to make reasonable and prudent efforts based on the participant's representations of the participant's ability to:

(A) Determine the ability of the participant to engage safely in the equine activity; and

(B) Determine the ability of the participant to safely manage the particular equine;

(3) Who:

(A) Was in lawful possession and control of the land or facilities on which the participant sustained injuries; and

(B) Knew or should have known of the dangerous latent condition that caused the injuries;

if warning signs concerning the dangerous latent condition were not conspicuously posted on the land or in the facilities;

(4) Who committed an act or omission that:

(A) Constitutes reckless disregard for the safety of the participant; and

(B) Caused the injury; or

(5) Who intentionally injured the participant.

(c) Section 8 of this chapter does not prevent or limit the liability of an equine activity sponsor or an equine professional under the product liability laws.

s 34-4-44-10. Warning notice to be posted

(a) This chapter does not apply unless an equine activity sponsor or an equine professional posts and maintains in at least one (1) location on the grounds or in the building that is the site of an equine activity a sign on which is printed the warning notice set forth in section 12 [IC 34-4- 44-12] of this chapter.

(b) A sign referred to in subsection (a) must be placed in a clearly visible location in proximity to the equine activity.

(c) The warning notice on a sign referred to in subsection (a) must be printed in black letters, and each letter must be at least one (1) inch in height.

s 34-4-44-11. Warning notice to be included in written contracts

(a) If there is a written contract, this chapter does not apply unless the written contract entered into by an equine professional for:

(1) The providing of professional services;

(2) The providing of instruction; or

(3) The rental of:

(A) Equipment or tack; or

(B) An equine;

to a participant contains in clearly readable print the warning notice set forth in section 12 [IC 34-4-44-12] of this chapter.

(b) The warning notice required by subsection (a) must be included in a written contract described in subsection (a) whether or not the contract involves equine activities on or off the location or site of the equine professional's business.

s 34-4-44-12. Warning notice

The warning notice that must be printed on a sign under section 10 [IC 34-4-44-10] of this chapter and included in a written contract under section 11 [IC 34-4-44-11] of this chapter is as follows:

WARNING

Under Indiana law, 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.