

# South Dakota Equine Activity Statute

SOUTH DAKOTA CODIFIED LAWS

TITLE 42. RECREATION AND SPORTS

CHAPTER 42-11. EQUINE ACTIVITIES

S.D. Codified Laws s 42-11-1 (1994)

s 42-11-1. Definition of terms

Terms used in this chapter mean:

(1) "Engaging in an equine activity," riding, training, racing, assisting in medical treatment of, driving, or being a passenger upon an equine, whether mounted or unmounted or any person assisting a participant or show management. The term does not include being a spectator at an equine activity, unless the spectator places himself in an unauthorized area and in immediate proximity to the equine activity;

(2) "Equine," any horse, pony, mule, donkey, or hinny;

(3) "Equine activity,"

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

(b) Equine training 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;

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

(f) Placing or replacing horseshoes on an equine;

(4) "Equine activity sponsor," any individual, group, 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 pony clubs, 4-H clubs, hunt clubs, riding clubs, school and college-sponsored classes, programs and activities, therapeutic riding programs, and operators, instructors, and promoters of equine facilities, including stables, clubhouses, ponyride strings, fairs, and arenas at which the activity is held;

(5) "Equine professional," any person engaged for compensation in instructing a participant or renting to a participant an equine for the purpose of riding, driving, racing or being a passenger upon the equine or engaged in renting equipment or tack to a participant;

(6) "Inherent risks of equine activities," those dangers or conditions which are an integral part of equine activities, including:

(a) The propensity of the animal to behave in ways that may result in injury, harm, or death to persons on or around them;

(b) The unpredictability of the animal's reaction to such things as sounds, sudden movement, and unfamiliar objects, persons, or other animals;

(c) Certain hazards such as surface and subsurface conditions;

(d) Collisions with other animals or objects;

(e) 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;

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

#### s 42-11-2. Persons exempt from liability

No equine activity sponsor, equine professional, doctor of veterinary medicine, or any other person, is liable for an injury to or the death of a participant resulting from the inherent risks of equine activities.

#### s 42-11-3. Conduct not exempt from liability

Nothing in this chapter prevents or limits the liability of an equine activity sponsor, an equine professional, or any other person if the equine activity sponsor, equine professional, or other person:

(1) Provides the equipment or tack, and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it causes the

injury; or provides the animal and fails to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity and determine the ability of the participant to safely manage the particular animal based on the participant's representations of his ability;

(2) Owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustains any injury because of a dangerous latent condition which was known to the equine activity sponsor, equine professional, or person and for which warning signs had not been conspicuously posted;

(3) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant and that causes the injury;

(4) Intentionally injures the participant.

s 42-11-4. Warranty or trespass unaffected

Nothing in this chapter prevents or limits the liability of an equine activity sponsor or equine professional for any injury involving an equine if the recovery is made pursuant to warranty or trespass.

s 42-11-5. Warning signs — Placement — Size

Each equine professional shall post and maintain the following sign:

#### WARNING

Under South Dakota 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, pursuant to s 42-11-2.

Such signs shall be placed in a clearly visible location on or near stables, corrals, race tracks or arenas where the equine professional conducts equine activities. The warning notice shall appear on the sign in black letters, with each letter being a minimum of one inch in height. Each written contract entered into by an equine professional for the providing of professional services, instruction, or the rental of equipment or tack or an equine to a participant, whether or not the contract involves equine activities on or off the location or site of the equine professional's business, shall contain in clearly readable print the warning notice provided in this chapter.

HISTORY: Source: SL 1993, ch 324, s 5.