

LOSS CONTROL BULLETIN

Equine Liability

A recent claim arose when a horse trainer on the insured's farm was injured when she fell off her horse. A landowner in such a situation may be very concerned about any responsibility or liability to the injured party.

Do Your Equine Activities Create Immunity?

Many states provide some immunity from liability for those engaging in "equine activities". Equine activities could include¹:

- (a) Equine shows, fairs, competitions, performances or parades that involve any or all breeds of equines and any of the equine disciplines.
- (b) Equine training or teaching activities or both.
- (c) Boarding equines.
- (d) Riding, inspecting or evaluating an equine belonging to another.
- (e) Rides, trips, hunts or other equine activities of any type.
- (f) Placing or replacing horseshoes on an equine.

Don't be lulled into a false sense of security by your immunity. Remember, immunity doesn't mean you can't be sued or that someone can't try to recover damages from you.

Common Exceptions To Immunity

Many states have exceptions to this immunity, such as:

- 1. Providing faulty tack or equipment.
- 2. Improperly matching horse and rider.
- 3. Failing to determine the rider's ability to safely manage the horse.
- 4. Failing to post conspicuous warning signs on land or facilities you own, lease or use.
- 5. Acts or conditions considered intentional wrongdoing or "gross negligence".

Equine activity sponsors or equine professionals may also be required to post warning signs with specific wording. Failing to comply with signage requirements may result in loss of the immunity protection which may be afforded by statute.

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FAMILY OF COMPANIES

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Managing Your Liability Exposure

Consider the following ideas to help you manage your exposure:

1. Have your attorney draft appropriate liability releases related to your operation.
2. Ensure all participants sign the proper liability release prior to engaging in any equine activities on your premises, or of which you are a sponsor.
3. Provide all participants plenty of opportunity to read and understand the release before signing. Do not present the document as anything other than a liability release. Consult with your attorney regarding the appropriate manner in which to administer the releases.
4. Post all warning signage as required in your state.
5. Post other warning signs in areas with dangerous conditions, such as uneven flooring.
6. Take time to inspect all tack and equipment used. If a vehicle is being used, inspect the hitch, trailer, wheels, axles and guard rails. Check for any protrusions in the seating area that may pose a hazard.
7. Restrict human contact with animals to reduce the risk of bites and e-coli exposure.
8. Restrict access to areas of the premises not intended for customers, such as equipment and machinery storage areas, chemical storage areas and areas near electric fencing.
9. Do not serve alcohol on the premises.

As with most recreational activities, equine activities pose significant risks of bodily injury and property damage. It is important for equine activity sponsors and equine professionals to understand those risks and the laws specific to them. You can minimize your liability exposure by consulting with your attorney to make sure you are in compliance with your state's laws. You should also consult with your insurance agent to ensure your coverage is adequate for the risks specific to your operation.



No one wants to think about suffering a loss. In the unfortunate event you do have a loss, our **ANPAC Five Star Claim ServiceSM** is designed to provide assurance and confidence to our policyholders throughout the claims process.

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