

5:15-1 to 5:15-12

LEGISLATIVE HISTORY CHECKLIST

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((Equestrian activities))

NJSA: 5:15-1 to 5:15-12

LAWS OF: 1997 CHAPTER: 287

BILL NO: S282

SPONSOR(S): Ewing

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: \_\_\_\_\_

SENATE: Senior Citizens

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: December 4, 1997

SENATE: December 1, 1997

DATE OF APPROVAL: January 8, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

Title 5  
Chapter 15 (New)  
Equestrian Activities  
§§1-12  
C. 5:15-1  
To  
5:15-12

P.L. 1997, CHAPTER 287, *approved January 8, 1998*  
Senate, No 282 (*First Reprint*)

1 AN ACT concerning the responsibilities and liabilities of individuals  
2 involved in equestrian activities and supplementing Title 5 of the  
3 Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. The Legislature finds and declares that equine <sup>1</sup>animal<sup>1</sup> activities  
9 are practiced by a large number of citizens of this State; that equine  
10 <sup>1</sup>animal<sup>1</sup> activities attract large numbers of nonresidents to the State;  
11 that those activities significantly contribute to the economy of this  
12 State; and that horse farms are a major land use which preserves open  
13 space.

14 The Legislature further finds and declares that equine <sup>1</sup>animal<sup>1</sup>  
15 activities involve risks that are essentially impractical or impossible for  
16 the operator to eliminate; and that those risks must be borne by those  
17 who engage in those activities.

18 The Legislature therefore determines that the allocation of the risks  
19 and costs of equine <sup>1</sup>animal<sup>1</sup> activities is an important matter of public  
20 policy and it is appropriate to state in law those risks that the  
21 participant voluntarily assumes for which there can be no recovery.

22  
23 2. As used in this act:

24 "Equestrian area" means all of the real and personal property under  
25 the control of the operator or on the premises of the operator which  
26 are being occupied, by license, lease, fee simple or otherwise,  
27 including but not limited to designated trail areas, designated  
28 easements or rights-of-way for access to trails, and other areas utilized  
29 for equine <sup>1</sup>animal<sup>1</sup> activities.

30 "Equine <sup>1</sup>animal<sup>1</sup>" means a horse, pony, mule or donkey.

31 "Equine <sup>1</sup>animal<sup>1</sup> activity" means any activity that involves the use

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate SSV committee amendments adopted May 30, 1996.**

1 of an equine 'animal' and shall include selling equipment and tack;  
2 transportation, including the loading and off-loading '[,]' for travel to  
3 or from a horse show or trail system; inspecting, or evaluating an  
4 equine 'animal' belonging to another person whether or not the person  
5 has received compensation; placing or replacing shoes on an 'animal'  
6 equine; and veterinary treatment on an equine 'animal'.

7 "Inherent risk or risks of an equine 'animal' activity" means those  
8 dangers which are an integral part of equine 'animal' activity,  
9 '[including]which shall include' but 'need' not 'be' limited to:

10 a. The propensity of an equine 'animal' to behave in ways that  
11 result in injury, harm, or death to nearby persons '[,]:'

12 b. The unpredictability of an '[equine's] equine animal's' reaction  
13 to such phenomena as sounds, sudden movement and unfamiliar  
14 objects, persons or other animals '[,]:'

15 c. Certain natural hazards, such as surface or subsurface ground  
16 conditions '[,]:'

17 d. Collisions with other '[equines] equine animals' or with objects  
18 '[,]:' and '[;]'

19 e. The potential of a participant to act in a negligent manner that  
20 may contribute to injury to the participant or others, including but not  
21 limited to failing to maintain control over the equine 'animal' or not  
22 acting within the participant's ability.

23 "Operator" means a person or entity who owns, manages, controls  
24 or directs the operation of an area where individuals engage in equine  
25 'animal' activities whether or not compensation is paid. "Operator"  
26 shall also include an agency of this State, political subdivisions thereof  
27 or instrumentality of said entities, or any individual or entity acting on  
28 behalf of an operator for all or part of such activities.

29 "Participant" means any person, whether an amateur or  
30 professional, engaging in an equine 'animal' activity, whether or not  
31 a fee is paid to engage in the equine 'animal' activity or, if a minor, the  
32 natural guardian, or trainer of that person standing in loco parentis,  
33 and shall include anyone accompanying the participant, or any person  
34 coming onto the property of the provider of equine 'animal' activities  
35 or '[equine] equestrian' area whether or not an invitee or person pays  
36 consideration.

37 "Spectator" means a person who is present in an equestrian area for  
38 the purpose of observing 'animal' equine activities whether or not an  
39 invitee.

40

41 3. A participant and spectator are deemed to assume the inherent  
42 risks of equine 'animal' activities created by '[equines] equine animals'  
43 , weather conditions, conditions of trails, riding rings, training tracks,  
44 equestrians, and all other inherent conditions. Each participant is  
45 assumed to know the range of his ability and it shall be the duty of  
46 each '[equestrian] participant' to conduct himself within the limits of

1 such ability to maintain control of his equine 'animal' and to refrain  
2 from acting in a manner which may cause or contribute to the injury  
3 of himself or others, loss or damage to person or property, or death  
4 which results from participation in an equine 'animal' activity.

5  
6 4. A participant or a spectator shall not engage in, attempt to  
7 engage in, or interfere with, an equine 'animal' activity if he is  
8 knowingly under the influence of any alcoholic beverage as defined in  
9 R.S.33:1-1 or under the influence of any prescription, legend drug or  
10 controlled dangerous substance as is defined in P.L.1970, c.226  
11 (C.24:21-1 et seq.), or any other substance that affects the individual's  
12 ability to safely engage in the equine 'animal' activity and abide by the  
13 posted and stated instructions. The operator may prevent '[an  
14 equestrian] a participant' or a spectator who is perceptibly or  
15 apparently under the influence of drugs or alcohol, from engaging in,  
16 or interfering with, an equine 'animal' activity or being in an '[equine]  
17 equestrian' area. An operator who prevents a participant or a  
18 spectator from engaging in, or interfering with, an equine 'animal'  
19 activity, or being in an '[equine] equestrian' area in accordance with  
20 this section shall not be criminally or civilly liable in any manner or to  
21 any extent whatsoever if the operator has a reasonable basis for  
22 believing that the participant or spectator is under the influence of  
23 drugs or alcohol.

24  
25 5. The assumption of risk set forth in section 3 of this act shall be  
26 a complete bar of suit and shall serve as a complete defense to a suit  
27 against an operator by a participant for injuries resulting from the  
28 assumed risks, notwithstanding the provisions of P.L.1973, c.146  
29 (C.2A:15-5.1 et seq.) relating to comparative negligence. Failure of  
30 a participant to conduct himself within the limits of his abilities as  
31 provided in section 3 of this act shall bar suit against an operator to  
32 compensate for injuries resulting from equine 'animal' activities, where  
33 such failure is found to be a contributory factor in the resulting injury.

34  
35 6. a. As a precondition to bringing any suit in connection with a  
36 participant injury against an operator, a participant shall submit a  
37 written report to the operator setting forth all details of any accident  
38 or incident as soon as possible, but in no event longer than 180 days  
39 from the time of the accident or incident giving rise to the suit.

40 b. The report shall include at least the following: The participant's  
41 name and address, a brief description of the accident or incident, the  
42 location of the accident or incident, the alleged cause of the accident  
43 or incident, the names of any other persons involved in the accident or  
44 incident and witnesses, if any. If it is not practicable to submit the  
45 report within 180 days because of severe physical disability resulting  
46 from '[an equestrian] a participant' accident or incident, the report

1 shall be submitted as soon as practicable. This section is not  
2 applicable with respect to an equestrian area unless the operator  
3 conspicuously posts notice to participants of the requirements of the  
4 section.

5 c. A participant who fails to submit the report within 180 days  
6 from the time of the accident or incident may be permitted to submit  
7 the report at any time within one year after the accident or incident, if  
8 in the discretion of a judge of the Superior Court the operator is not  
9 substantially prejudiced thereby. Application to the court for  
10 permission to submit a late report shall be made upon motion based on  
11 affidavits showing sufficient reasons for the participant's failure to give  
12 the report within 180 days from the time of the accident or incident  
13

14 7. Notwithstanding any provision of this act, or any other law to  
15 the contrary, an action for injury or death against an operator, an  
16 equestrian area or its employees or owner, whether based upon tort or  
17 breach of contract or otherwise arising out of <sup>1</sup>[equestrian] equine  
18 animal<sup>1</sup> activities, shall be commenced no later than two years after the  
19 occurrence of the incident or earliest of incidents giving rise to the  
20 cause of action.

21

22 8. If a participant accident or incident, or an action based upon an  
23 equine <sup>1</sup>animal<sup>1</sup> activity or incident, involves a minor, the time limits  
24 set forth in sections 6 and 7 of this act shall not begin to run against  
25 the minor until the minor reaches the age of majority, unless there was  
26 present to approve conditions and riding ability a person standing in  
27 loco parentis, who made these decisions for the minor in activities  
28 including but not limited to horse shows, trying a horse for sale, riding  
29 lessons, trail rides, and <sup>1</sup>[performances] demonstrations<sup>1</sup> .

30

31 9. Notwithstanding any provisions of sections 3 and 4 of this act  
32 to the contrary, the following actions or lack thereof on the part of  
33 operators shall be exceptions to the limitation on liability for  
34 operators:

35 a. Knowingly providing equipment or tack that is faulty to the  
36 extent that it causes or contributes to injury.

37 b. Failure to make reasonable and prudent efforts to determine the  
38 participant's ability to safely manage the particular equine <sup>1</sup>animal<sup>1</sup>,  
39 based on the participant's representation of his ability, or the  
40 representation of the guardian, or trainer of that person standing in  
41 loco parentis, if a minor.

42 c. A case in which the participant is injured or killed by a known  
43 dangerous latent condition on property owned or controlled by the  
44 equine <sup>1</sup>animal<sup>1</sup> activity operator and for which warning signs have not  
45 been posted.

46 d. An act or omission on the part of the operator that constitutes

1 negligent disregard for the participant's safety, which act or omission  
2 causes the injury, and

3 e. Intentional injuries to the participant caused by the operator.  
4

5 10. All operators shall post and maintain signs on all lands owned  
6 or leased thereby and used for equine activities, which signs shall be  
7 posted in a manner that makes them visible to all participants and  
8 which shall contain the following notice in large capitalized print:

9 "WARNING: UNDER NEW JERSEY LAW, AN '[EQUINE]  
10 EQUESTRIAN AREA' OPERATOR IS NOT LIABLE FOR AN  
11 INJURY TO OR THE DEATH OF A PARTICIPANT IN EQUINE  
12 'ANIMAL' ACTIVITIES RESULTING FROM THE INHERENT  
13 RISKS OF EQUINE 'ANIMAL' ACTIVITIES, PURSUANT TO  
14 P.L. ,c. (C. )(now before the Legislature as this bill)."

15 Individuals or entities providing equine 'animal' activities on behalf of  
16 an operator, and not the operator, shall be required to post and  
17 maintain signs required by this section.  
18

19 11. The provisions of this act are cumulative with the defenses  
20 available to a public entity or public employee under the "New Jersey  
21 Tort Claims Act", N.J.S.59:1-1 et seq.  
22

23 12. This act shall not apply to the horse racing industry.  
24

25 13. This act shall take effect immediately.  
26  
27

28 \_\_\_\_\_  
29  
30 Establishes certain responsibilities of participants in equestrian  
31 activities and the rights of equestrian area operators.

1 ACTIVITIES, PURSUANT TO P.L. c. (C. )(now before the  
2 Legislature as this bill)."

3 Individuals or entities providing equine activities on behalf of an  
4 operator, and not the operator, shall be required to post and maintain  
5 signs required by this section.

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12

13 13. This act shall take effect immediately.

14

15

16

*Sponsor's* STATEMENT

17

18 The purpose of this bill is to establish by statute the responsibilities  
19 and liabilities of those individuals who engage in equine activities.  
20 Equine activities includes any activity that involves the use of horses  
21 and ponies such as riding lessons, trail riding, horse training, or  
22 engaging in horse shows. This bill would enable operators of  
23 equestrian areas, acting under a reasonable basis, to prevent  
24 participants, or spectators who are under the influence of drugs or  
25 alcohol from engaging in an equine activity without subjecting the  
26 operator to criminal or civil liability.

27 This bill provides that one who engages in equine activities assumes  
28 the risks involved in those activities. Under the provisions of this bill,  
29 notwithstanding the provisions of New Jersey's law with regard to  
30 comparative negligence, a participant would be completely barred  
31 from suing an operator for injuries to which the participant contributed  
32 by failing to conduct himself within the limits of his abilities.

33 The following actions or lack thereof on the part of operators shall  
34 be exceptions to the limitation on liability for operators:

35 a. Knowingly providing equipment or tack that is faulty to the  
36 extent that it causes or contributes to injury.

37 b. Failure to make reasonable and prudent efforts to determine the  
38 participant's ability to safely manage the particular equine, based on  
39 the participant's representation of his ability, or the representation of  
40 the guardian, or trainer of that person standing in loco parentis, if a  
41 minor.

42 c. A case in which the participant is injured or killed by a known  
43 dangerous latent condition on property owned or controlled by the  
44 equine activity operator and for which warning signs have not been  
45 posted.

46 d. An act or omission on the part of the operator that constitutes

1 negligent disregard for the participant's safety, which act or omission  
2 causes the injury, and

3 e. Intentional injuries to the participant caused by the operator.

4 The bill also establishes certain preconditions which must be met  
5 prior to instituting an action against an operator. The participant must  
6 file a report with the operator, in writing, outlining the details of the  
7 injury. This report must be filed no later than 180 days after the time  
8 of the accident. If the participant fails to file the report, a Superior  
9 Court judge may allow him to file anytime within one year after the  
10 accident; provided that the operator is not substantially prejudiced by  
11 the late report.

12 In addition, this bill provides that when a participant accident  
13 involves a minor the time limits for the report and the statute of  
14 limitations would not begin to run until the minor reaches the age of  
15 majority unless the decisions have knowingly been made by a guardian,  
16 trainer or person standing in loco parentis.

17 Finally, the bill would require operators to post and maintain signs  
18 that state that the operator is not liable for an injury to or the death of  
19 a participant in equine activities resulting from the inherent risks of  
20 equine activities.

21

22

23

24

25 Establishes certain responsibilities of participants in equestrian  
26 activities and the rights of equestrian area operators.



[Passed Both Houses]

[First Reprint]

SENATE, No. 282

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# STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator EWING, Assemblymen Bateman and Arnone

1 AN ACT concerning the responsibilities and liabilities of individuals  
2 involved in equestrian activities and supplementing Title 5 of the  
3 Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

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8 1. The Legislature finds and declares that equine 'animal'<sup>1</sup> activities  
9 are practiced by a large number of citizens of this State; that equine  
10 'animal'<sup>1</sup> activities attract large numbers of nonresidents to the State;  
11 that those activities significantly contribute to the economy of this  
12 State; and that horse farms are a major land use which preserves open  
13 space.

14 The Legislature further finds and declares that equine 'animal'<sup>1</sup>  
15 activities involve risks that are essentially impractical or impossible for  
16 the operator to eliminate; and that those risks must be borne by those  
17 who engage in those activities.

18 The Legislature therefore determines that the allocation of the risks  
19 and costs of equine 'animal'<sup>1</sup> activities is an important matter of public  
20 policy and it is appropriate to state in law those risks that the  
21 participant voluntarily assumes for which there can be no recovery.

22

23 2. As used in this act:

24 "Equestrian area" means all of the real and personal property under  
25 the control of the operator or on the premises of the operator which  
26 are being occupied, by license, lease, fee simple or otherwise,  
27 including but not limited to designated trail areas, designated  
28 easements or rights-of-way for access to trails, and other areas utilized

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SSV committee amendments adopted May 30, 1996.

1 for equine 'animal' activities.

2 "Equine 'animal'" means a horse, pony, mule or donkey.

3 "Equine 'animal' activity" means any activity that involves the use  
4 of an equine 'animal' and shall include selling equipment and tack;  
5 transportation, including the loading and off-loading '[,.]' for travel  
6 to or from a horse show or trail system; inspecting, or evaluating an  
7 equine 'animal' belonging to another person whether or not the person  
8 has received compensation; placing or replacing shoes on an 'animal'  
9 equine; and veterinary treatment on an equine 'animal'.

10 "Inherent risk or risks of an equine 'animal' activity" means those  
11 dangers which are an integral part of equine 'animal' activity,  
12 '[including]which shall include' but 'need' not 'be' limited to:

13 a. The propensity of an equine 'animal' to behave in ways that  
14 result in injury, harm, or death to nearby persons '[,.]'

15 b. The unpredictability of an '[equine's] equine animal's' reaction  
16 to such phenomena as sounds, sudden movement and unfamiliar  
17 objects, persons or other animals '[,.]'

18 c. Certain natural hazards, such as surface or subsurface ground  
19 conditions '[,.]'

20 d. Collisions with other '[equines] equine animals' or with objects  
21 '[,.]'; and '[:]'

22 e. The potential of a participant to act in a negligent manner that  
23 may contribute to injury to the participant or others, including but not  
24 limited to failing to maintain control over the equine 'animal' or not  
25 acting within the participant's ability.

26 "Operator" means a person or entity who owns, manages, controls  
27 or directs the operation of an area where individuals engage in equine  
28 'animal' activities whether or not compensation is paid. "Operator"  
29 shall also include an agency of this State, political subdivisions thereof  
30 or instrumentality of said entities, or any individual or entity acting on  
31 behalf of an operator for all or part of such activities.

32 "Participant" means any person, whether an amateur or  
33 professional, engaging in an equine 'animal' activity, whether or not  
34 a fee is paid to engage in the equine 'animal' activity or, if a minor,  
35 the natural guardian, or trainer of that person standing in loco parentis,  
36 and shall include anyone accompanying the participant, or any person  
37 coming onto the property of the provider of equine 'animal' activities  
38 or '[equine] equestrian' area whether or not an invitee or person pays  
39 consideration.

40 "Spectator" means a person who is present in an equestrian area for  
41 the purpose of observing 'animal' equine activities whether or not an  
42 invitee.

43

44 3. A participant and spectator are deemed to assume the inherent  
45 risks of equine 'animal' activities created by '[equines] equine

1 animals<sup>1</sup> , weather conditions, conditions of trails, riding rings,  
2 training tracks, equestrians, and all other inherent conditions. Each  
3 participant is assumed to know the range of his ability and it shall be  
4 the duty of each <sup>1</sup>[equestrian] participant<sup>1</sup> to conduct himself within  
5 the limits of such ability to maintain control of his equine <sup>1</sup>animal<sup>1</sup> and  
6 to refrain from acting in a manner which may cause or contribute to  
7 the injury of himself or others, loss or damage to person or property,  
8 or death which results from participation in an equine <sup>1</sup>animal<sup>1</sup>  
9 activity.

10  
11 4. A participant or a spectator shall not engage in, attempt to  
12 engage in, or interfere with, an equine <sup>1</sup>animal<sup>1</sup> activity if he is  
13 knowingly under the influence of any alcoholic beverage as defined in  
14 R.S.33:1-1 or under the influence of any prescription, legend drug or  
15 controlled dangerous substance as is defined in P.L.1970, c.226  
16 (C.24:21-1 et seq.), or any other substance that affects ~~the~~ individual's  
17 ability to safely engage in the equine <sup>1</sup>animal<sup>1</sup> activity and abide by the  
18 posted and stated instructions. The operator may prevent <sup>1</sup>[an  
19 equestrian] a participant<sup>1</sup> or a spectator who is perceptibly or  
20 apparently under the influence of drugs or alcohol, from ~~engaging~~ in,  
21 or interfering with, an equine <sup>1</sup>animal<sup>1</sup> activity or ~~being~~ in an  
22 <sup>1</sup>[equine] equestrian<sup>1</sup> area. An operator who prevents a participant  
23 or a spectator from engaging in, or interfering with, an equine <sup>1</sup>animal<sup>1</sup>  
24 activity, or being in an <sup>1</sup>[equine] equestrian<sup>1</sup> area in accordance with  
25 this section shall not be criminally or civilly liable in any manner or to  
26 any extent whatsoever if the operator has a reasonable basis for  
27 believing that the participant or spectator is under the influence of  
28 drugs or alcohol.

29  
30 5. The assumption of risk set forth in section 3 of this act shall be  
31 a complete bar of suit and shall serve as a complete defense to a suit  
32 against an operator by a participant for injuries resulting from the  
33 assumed risks, notwithstanding the provisions of P.L.1973, c.146  
34 (C.2A:15-5.1 et seq.) relating to comparative negligence. Failure of  
35 a participant to conduct himself within the limits of his abilities as  
36 provided in section 3 of this act shall bar suit against an operator to  
37 compensate for injuries resulting from equine <sup>1</sup>animal<sup>1</sup> activities,  
38 where such failure is found to be a contributory factor in the resulting  
39 injury.

40  
41 6. a. As a precondition to bringing any suit in connection with a  
42 participant injury against an operator, a participant shall submit a  
43 written report to the operator setting forth all details of any accident  
44 or incident as soon as possible, but in no event longer than 180 days  
45 from the time of the accident or incident giving rise to the suit.

46 b. The report shall include at least the following: The participant's

1 name and address, a brief description of the accident or incident, the  
2 location of the accident or incident, the alleged cause of the accident  
3 or incident, the names of any other persons involved in the accident or  
4 incident and witnesses, if any. If it is not practicable to submit the  
5 report within 180 days because of severe physical disability resulting  
6 from <sup>1</sup>[an equestrian] a participant<sup>1</sup> accident or incident, the report  
7 shall be submitted as soon as practicable. This section is not  
8 applicable with respect to an equestrian area unless the operator  
9 conspicuously posts notice to participants of the requirements of the  
10 section.

11 c. A participant who fails to submit the report within 180 days  
12 from the time of the accident or incident may be permitted to submit  
13 the report at any time within one year after the accident or incident, if  
14 in the discretion of a judge of the Superior Court the operator is not  
15 substantially prejudiced thereby. Application to the court for  
16 permission to submit a late report shall be made upon motion based on  
17 affidavits showing sufficient reasons for the participant's failure to give  
18 the report within 180 days from the time of the accident or incident  
19

20 7. Notwithstanding any provision of this act, or any other law to  
21 the contrary, an action for injury or death against an operator, an  
22 equestrian area or its employees or owner, whether based upon tort or  
23 breach of contract or otherwise arising out of <sup>1</sup>[equestrian] equine  
24 animal<sup>1</sup> activities, shall be commenced no later than two years after the  
25 occurrence of the incident or earliest of incidents giving rise to the  
26 cause of action.

27

28 8. If a participant accident or incident, or an action based upon an  
29 equine <sup>1</sup>animal<sup>1</sup> activity or incident, involves a minor, the time limits  
30 set forth in sections 6 and 7 of this act shall not begin to run against  
31 the minor until the minor reaches the age of majority, unless there was  
32 present to approve conditions and riding ability a person standing in  
33 loco parentis, who made these decisions for the minor in activities  
34 including but not limited to horse shows, trying a horse for sale, riding  
35 lessons, trail rides, and <sup>1</sup>[performances] demonstrations<sup>1</sup> .

36

37 9. Notwithstanding any provisions of sections 3 and 4 of this act  
38 to the contrary, the following actions or lack thereof on the part of  
39 operators shall be exceptions to the limitation on liability for  
40 operators:

41 a. Knowingly providing equipment or tack that is faulty to the  
42 extent that it causes or contributes to injury.

43 b. Failure to make reasonable and prudent efforts to determine the  
44 participant's ability to safely manage the particular equine <sup>1</sup>animal<sup>1</sup>,  
45 based on the participant's representation of his ability, or the  
46 representation of the guardian, or trainer of that person standing in

1 loco parentis, if a minor.

2 c. A case in which the participant is injured or killed by a known  
3 dangerous latent condition on property owned or controlled by the  
4 equine 'animal' activity operator and for which warning signs have not  
5 been posted.

6 d. An act or omission on the part of the operator that constitutes  
7 negligent disregard for the participant's safety, which act or omission  
8 causes the injury, and

9 e. Intentional injuries to the participant caused by the operator.

10

11 10. All operators shall post and maintain signs on all lands owned  
12 or leased thereby and used for equine activities, which signs shall be  
13 posted in a manner that makes them visible to all participants and  
14 which shall contain the following notice in large capitalized print:

15 "WARNING: UNDER NEW JERSEY LAW, AN '[EQUINE]  
16 EQUESTRIAN AREA' OPERATOR IS NOT LIABLE FOR AN  
17 INJURY TO OR THE DEATH OF A PARTICIPANT IN EQUINE  
18 'ANIMAL' ACTIVITIES RESULTING FROM THE INHERENT  
19 RISKS OF EQUINE 'ANIMAL' ACTIVITIES, PURSUANT TO  
20 P.L. ,c. (C. )(now before the Legislature as this bill)."

21 Individuals or entities providing equine 'animal' activities on behalf of  
22 an operator, and not the operator, shall be required to post and  
23 maintain signs required by this section.

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26 available to a public entity or public employee under the "New Jersey  
27 Tort Claims Act", N.J.S.59:1-1 et seq.

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31 13. This act shall take effect immediately.

32

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S282 [1R]

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3 Establishes certain responsibilities of participants in equestrian  
4 activities and the rights of equestrian area operators.

SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND  
AGRICULTURE COMMITTEE

STATEMENT TO

**SENATE, No. 282**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 30, 1996

The Senate Senior Citizens, Veterans' Affairs and Agriculture Committee favorably reports Senate Bill No. 282 with committee amendments.

The purpose of this bill is to establish by statute the responsibilities and liabilities of those individuals who engage in equine animal activities. Equine animal activities includes any activity that involves the use of horses and ponies such as riding lessons, trail riding, horse training, or engaging in horse shows. This bill would enable operators of equestrian areas, acting under a reasonable basis, to prevent participants or spectators who are under the influence of drugs or alcohol from engaging in an equine animal activity without subjecting the operator to criminal or civil liability.

This bill provides that one who engages in equine activities assumes the risks involved in those activities. Under the provisions of this bill, notwithstanding the provisions of New Jersey's law with regard to comparative negligence, a participant would be completely barred from suing an operator for injuries to which the participant contributed by failing to conduct himself within the limits of his abilities.

The following actions or lack thereof on the part of operators shall be exceptions to the limitation on liability for operators:

a. Knowingly providing equipment or tack that is faulty to the extent that it causes or contributes to injury.

b. Failure to make reasonable and prudent efforts to determine the participant's ability to safely manage the particular equine animal, based on the participant's representation of his ability, or the representation of the guardian, or trainer of that person standing in loco parentis, if a minor.

c. A case in which the participant is injured or killed by a known dangerous latent condition on property owned or controlled by the equine animal activity operator and for which warning signs have not been posted.

d. An act or omission on the part of the operator that constitutes

negligent disregard for the participant's safety, which act or omission causes the injury, and

e. Intentional injuries to the participant caused by the operator.

The bill also establishes certain preconditions which must be met prior to instituting an action against an operator. The participant must file a report with the operator, in writing, outlining the details of the injury. This report must be filed no later than 180 days after the time of the accident. If the participant fails to file the report, a Superior Court judge may allow him to file anytime within one year after the accident; provided that the operator is not substantially prejudiced by the late report.

In addition, this bill provides that when a participant accident involves a minor the time limits for the report and the statute of limitations would not begin to run until the minor reaches the age of majority unless the decisions have knowingly been made by a guardian, trainer or person standing in loco parentis.

Finally, the bill would require operators to post and maintain signs that state that the operator is not liable for an injury to or the death of a participant in equine animal activities resulting from the inherent risks of equine animal activities.

The committee amended the bill to clarify the use of certain terms.

This bill was pre-filed for introduction in the 1996-1997 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.