

Equine Liability Legislation - HB 4867

From
Rep
Johnson

Thank you, Mr. Chairman -

Michigan has a proud tradition of horse racing and breeding, but a litigious environment has created pitfalls for owners of equine facilities seeking to offer activities and goods to the public. These operators open their homes and facilities so that others can experience the excitement of horseback riding. Unfortunately, frivolous lawsuits can cost thousands of dollars and ultimately discourage operators from continuing these wholesome and family-friendly activities.

The bill before you would limit liability for operators of equine-based operations to just those cases where "willful or wanton disregard for the safety of the participant" can be established. All existing protections currently cited in the Equine Activity Liability Act (**cite examples of existing protections as desired.**) are also maintained.

We should encourage equine-enthusiasts to continue to share their passion with our residents. Exposure to such activities on the part of the public helps to secure these traditions for future generations.

I urge your support of House Bill 4867.

(Intro Julie Ferstman)

EQUINE ACTIVITY LIABILITY ACT (EXCERPT)
Act 351 of 1994

691.1665 Liability not prevented or limited; conditions.

Provides equipment or tack and knows or should know that the equipment or tack is faulty, and the equipment or tack is faulty to the extent that it is a proximate cause of the injury, death, or damage.

(b) Provides an equine and fails to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity and to determine the ability of the participant to safely manage the particular equine. A person shall not rely upon a participant's representations of his or her ability unless these representations are supported by reasonably sufficient detail.

(c) Owns, leases, rents, has authorized use of, or otherwise is in lawful possession and control of land or facilities on which the participant sustained injury because of a dangerous latent condition of the land or facilities that is known to the equine activity sponsor, equine professional, or other person and for which warning signs are not conspicuously posted.

(d) Commits a negligent act or omission that constitutes a proximate cause of the injury, death, or damage.