

HOUSE BILL NO. 1228

Introduced by

Representatives Wald, Froelich, Kempenich

Senators Erbele, Olafson, Wardner

1 A BILL for an Act to amend and reenact section 53-10-02 of the North Dakota Century Code,
2 relating to liability for injury or damage incurred during equine activity.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 53-10-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **53-10-02. Liability of equine activity sponsor or equine professional limited.**

7 1. Except as provided in subsection 2, an equine activity sponsor or an equine
8 professional is not liable for an injury to or the death of a participant engaged in an
9 equine activity, and, except as provided in subsection 2, no participant or
10 participant's representative may maintain an action against or recover from an
11 equine activity sponsor or an equine professional for an injury to or the death of a
12 participant engaged in an equine activity. This chapter does not apply to the horse
13 racing industry as regulated in chapter 53-06.2.

14 2. Nothing in subsection 1 prevents or ~~limits~~ the liability of an equine activity sponsor
15 or an equine professional:

16 a. If the equine activity sponsor or the equine professional:

17 (1) Provided the equipment or tack and the equipment or tack caused the
18 injury; or

19 (2) Provided the equine and failed to make reasonable and prudent efforts
20 to determine the ability of the participant to engage safely in the equine
21 activity, to determine the ability of the equine to behave safely with the
22 participant, and to determine the ability of the participant to safely
23 manage the particular equine;

- 1 b. If the equine activity sponsor or the equine professional owns, leases, rents,
2 or otherwise is in lawful possession and control of the land or facility upon
3 which the participant sustained an injury because of the dangerous latent
4 condition which was known to or should have been known to the equine
5 activity sponsor or the equine professional and for which a warning sign has
6 not been conspicuously posted;
- 7 c. If the equine activity sponsor or the equine professional commits an act or
8 omission that constitutes willful or wanton disregard for the safety of the
9 participant and that act or omission caused the injury;
- 10 d. If the equine activity sponsor or the equine professional intentionally injures
11 the participant;
- 12 e. Under products liability provisions as set forth in products liability laws; or
13 f. Under liability provisions in chapter 36-11.
- 14 3. The liability of an equine activity sponsor or an equine professional under
15 subsection 2 is limited to two hundred fifty thousand dollars for any number of
16 claims arising from any single occurrence.