

## Pennsylvania Equine Activity Immunity Act (4 P.S. §§ 601-606)

In 2005, the Pennsylvania General Assembly enacted the Equine Activity Immunity Act, also known as the Pennsylvania Equine Liability Law or Act 93 of 2005, in an effort to protect individuals and entities that engage in equine activities. The provisions of this Act became effective on February 21, 2006.

### What does the Act do?

Under the Equine Activity Immunity Act, certain individuals and entities cannot be held liable in a negligence suit for damages (injury or death) resulting from a defined equine activity. In order to gain the immunity granted by the Act, specific requirements – addressed below – must be satisfied. The Act offers protection only from claims of negligence, which is a legal concept defined as the failure to exercise reasonable care to prevent harm. The Act does not address liability for damages caused by intentional actions.

### Who does the Act cover?

The Equine Activity Immunity Act affords liability protection to a broad variety of people and entities engaged in a wide range of activities. The Act provides immunity to individuals, groups, clubs and business entities

that sponsor, organize, conduct or provide facilities for defined equine activities. Under the Act, equine activities are defined to encompass daily activities, such as boarding horses, as well as occasional activities, such as fairs and horse shows. Specifically, equine activities include using an equine in the following ways:

1. Training, teaching, or riding instruction;
2. Participating in shows, fairs, parades, competitions or performances which involve equines participating in an activity;
3. Participating in dressage, hunter and jumper shows, Grand Prix jumping, three-day eventing, combined training, rodeos, reining, cutting, team penning and sorting, driving, pulling, barrel racing, steeplechasing, performance riding, and trail riding;
4. Hunting, packing, and therapeutic riding and driving;
5. Attending clinics, seminars, and demonstrations;
6. Boarding;
7. Breeding;
8. Inspecting or evaluating an equine prior to purchase;

9. Recreational riding or driving;
10. Placing, removing or replacing of horseshoes or the trimming of hooves; and
11. Leading, handling or grooming.

### **How does the Act work?**

Although broad in many respects, the Equine Activity Immunity Act does not provide all-inclusive protection from liability. The Act grants immunity from negligence liability only when an adult participant in equine activities knowingly and voluntarily assumes the risk of participating in such activities. Whether an individual has assumed the risk depends upon the specific facts of each case. Certain factors can help to demonstrate this assumption of the risk such as the individual's prior experience with horses or the execution of a written waiver that outlines the risks inherent in equine activities. If an adult individual is injured, but it cannot be proven that he or she knowingly and voluntarily assumed the risk of participating in equine activities, then the Act does not prohibit the establishment of negligence liability.

### **What is required to gain the protections granted by the Act?**

In order to receive immunity from liability under the Equine Activity Immunity Act, an individual or entity **MUST** install signs warning individuals that they are assuming a risk by participating in equine activities. The signs must be conspicuously posted on the premises in two

or more locations. They must be at least three feet by two feet in size and state, "You assume the risk of equine activities pursuant to Pennsylvania law." In addition to being specifically required to acquire statutory immunity, the use of these signs can help to establish that the adult participant in equine activity knowingly and voluntarily assumed the risk of activities as discussed earlier. It is important to remember that even with the posting of the required signs, a knowing and voluntary assumption of the risk still must be established to acquire the Act's protections.

### **What is not included under the Act?**

While the Equine Activity Immunity Act addresses claims asserted by adult participants in equine activities, it does not provide immunity against negligence claims asserted by children who suffer injuries resulting from equine activities. Additionally, the Act may not provide protection for injuries suffered as a result of defective equipment as the use of such equipment is not normally part of a knowing and voluntary assumption of the risk.

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