

# **Equine Activity Statute**

## **State of Indiana**

### **Title 34. Civil Procedure.**

#### **Article 31. Limited Liability.**

#### **Chapter 5. Limited Liability Arising from Equine Activities.**

##### **34-31-5-1 Immunity from civil liability.**

##### **34-31-5-2 Exceptions to immunity for certain acts or omissions.**

##### **34-31-5-3 Posting and maintenance of warning notice sign.**

##### **34-31-5-4 Warning notice required in written contracts.**

##### **34-31-5-5 Contents of warning notice.**

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**Citation: IN ST 34-31-5-1 - 5**

**Citation: I.C. 34-31-5-1 - 5**

### **34-31-5-1 Immunity from civil liability**

Sec. 1. (a) Subject to section 2 of this chapter, an equine activity sponsor or equine professional is not liable for:

(1) an injury to a participant; or

(2) the death of a participant;

resulting from an inherent risk of equine activities.

(b) Subject to section 2 of this chapter, a participant or participant's representative may not:

(1) make a claim against;

(2) maintain an action against; or

(3) recover from;

an equine activity sponsor or equine professional for injury, loss, damage, or death of the participant resulting from an inherent risk of equine activities.

### **34-31-5-2 Exceptions to immunity for certain acts or omissions**

Sec. 2. (a) This section does not apply to the horse racing industry.

(b) Section 1 of this chapter does not prevent or limit the liability of an equine activity sponsor or an equine professional:

(1) who:

(A) provided equipment or tack that was faulty and that caused the injury; and

(B) knew or should have known that the equipment or tack was faulty;

(2) who provided the equine and failed to make reasonable and prudent efforts based on the participant's representations of the participant's ability to:

(A) determine the ability of the participant to engage safely in the equine activity; and

(B) determine the ability of the participant to safely manage the particular equine;

(3) who:

(A) was in lawful possession and control of the land or facilities on which the participant sustained injuries; and

(B) knew or should have known of the dangerous latent condition that caused the injuries;

if warning signs concerning the dangerous latent condition were not conspicuously posted on the land or in the facilities;

(4) who committed an act or omission that:

(A) constitutes reckless disregard for the safety of the participant; and

(B) caused the injury; or

(5) who intentionally injured the participant.

(c) Section 1 of this chapter does not prevent or limit the liability of an equine activity sponsor or an equine professional under the product liability laws.

### **34-31-5-3 Posting and maintenance of warning notice sign**

Sec. 3. (a) This chapter does not apply unless an equine activity sponsor or an equine professional posts and maintains in at least one (1) location on the grounds or in the building that is the site of an equine activity a sign on which is printed the warning notice set forth in section 5 of this chapter.

(b) A sign referred to in subsection (a) must be placed in a clearly visible location in proximity to the equine activity.

(c) The warning notice on a sign referred to in subsection (a) must be printed in black letters, and each letter must be at least one (1) inch in height.

### **34-31-5-4 Warning notice required in written contracts**

Sec. 4. (a) If there is a written contract, this chapter does not apply unless the written contract entered into by an equine professional for:

(1) the providing of professional services;

(2) the providing of instruction; or

(3) the rental of:

(A) equipment or tack; or

(B) an equine;

to a participant contains in clearly readable print the warning notice set forth in section 5 of this chapter.

(b) The warning notice required by subsection (a) must be included in a written contract described in subsection (a) whether or not the contract involves equine activities on or off the location or site of the equine professional's business.

### **34-31-5-5 Contents of warning notice**

Sec. 5. The warning notice that must be printed on a sign under section 3 of this chapter and included in a written contract under section 4 of this chapter is as follows:

**WARNING**

Under Indiana law, an equine professional is not liable for an injury to, or the death of, a participant in equine activities resulting from the inherent risks of equine activities.