

Equine Activity Statute

State of Mississippi

Title 95. Torts.

Chapter 11. Liability Exemption for Livestock Shows and Equine Activities.

§ 95-11-1. Legislative intent and findings.

§ 95-11-3. Definitions.

§ 95-11-5. Claims and liability.

§ 95-11-7. Posting signs containing warning notice.

Citation: MS ST § 95-11-1 - 7

Citation: Miss. Code Ann. § 95-11-1 - 7

§ 95-11-1. Legislative intent and findings

The Legislature recognizes that persons who participate in livestock shows or equine activities may incur injuries as a result of the risks involved in such activities. The Legislature also finds that the state and its citizens derive numerous economic and personal benefits from such activities. The Legislature finds, determines and declares that this chapter is necessary for the immediate preservation of the public peace, health and safety. It is, therefore, the intent of the Legislature to encourage livestock shows and equine activities by limiting the civil liability of those involved in such activities.

CREDIT(S)

Laws 1994, Ch. 443, § 1, eff. July 1, 1994. Amended by Laws 2003, Ch. 451, § 1, eff. July 1, 2003.

§ 95-11-3. Definitions

As used in this chapter, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Engages in livestock shows or equine activity" means riding, training, providing or assisting in providing medical treatment of, driving, or being a passenger upon an equine or other livestock, whether mounted or unmounted, or any person assisting a participant or show management. The term "engages in livestock shows or equine activity" does not include being a spectator at a livestock show or equine activity, except in cases where the spectator places himself in an unauthorized area and in immediate proximity to the livestock show or equine activity.

(b) "Equine" means a horse, pony, mule, donkey or hinny.

(c) "Livestock" means equines, cattle, swine, sheep and goats.

(d) "Livestock shows or equine activity" means:

(i) Livestock or equine shows, fairs, competitions, performances or parades that involve any or all breeds of livestock or equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and Western performance riding, endurance trail riding, western games and hunting.

(ii) Equine or livestock training or teaching activities, or both.

(iii) Boarding equines or livestock.

(iv) Riding, inspecting, or evaluating an equine or livestock belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or livestock or is permitting a prospective purchaser of the equine or livestock to ride, inspect or evaluate the equine or livestock.

(v) Rides, trips, hunts, or other equine or livestock activities of any type however informal or impromptu that are sponsored by an equine or livestock activity sponsor.

(vi) Placing or replacing horseshoes on an equine.

(vii) Examining or administering medical treatment to an equine or livestock by a veterinarian.

(e) "Equine or livestock activity sponsor" means an individual, group, club, partnership or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes or provides the facilities for an equine activity or livestock show, including, but not limited to, pony clubs, 4-H clubs, hunt clubs, riding clubs, school and college sponsored classes, programs, and operators, instructors, and promoters of equine or livestock facilities, including, but not limited to, stables, clubhouses, pony ride strings, fairs and arenas at which the activity is held.

(f) "Equine or livestock professional" means a person engaged for compensation in:

(i) Instructing a participant or renting to a participant, an equine or livestock for the purpose of riding, driving or being a passenger upon the equine.

(ii) Renting equipment or tack to a participant.

(iii) Examining or administering medical treatment to an equine or livestock as a veterinarian.

(g) "Inherent risks of equine or livestock activities" means those dangers or conditions which are an integral part of equine or livestock activities, including, but not limited to:

(i) The propensity of an equine or livestock to behave in ways that may result in injury, harm or death to persons on or around them.

(ii) The unpredictability of an equine's or livestock's reaction to such things as sounds, sudden movement and unfamiliar objects, persons or other animals.

(iii) Certain hazards such as surface and subsurface conditions.

(iv) Collisions with other equines or livestock or objects.

(v) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.

(h) "Participant" means any person, whether amateur or professional, who engages in an equine activity or livestock show, whether or not a fee is paid to participate in the equine activity or livestock show.

CREDIT(S)

Laws 1994, Ch. 443, § 2, eff. July 1, 1994. Amended by Laws 2003, Ch. 451, § 2, eff. July 1, 2003.

§ 95-11-5. Claims and liability

(1) Except as provided in subsection (2) of this section, an equine or livestock activity sponsor, an equine or livestock professional, or any other person, which shall include a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities or livestock shows and, except as provided in subsection (2) of this section, a participant's representative shall not make any claim against, or recover from an equine or livestock professional, or any other person for injury, loss, damage or death of the participant resulting from any of the inherent risks of equine activities or livestock shows.

(2) Nothing in subsection (1) of this section shall prevent or limit the liability of an equine or livestock activity sponsor, an equine or livestock professional or any other person if the equine or livestock activity sponsor, equine or livestock professional or person:

(a) (i) Provided the equipment or tack and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it did cause the injury.

(ii) Provided the equine or livestock and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity or livestock show and to safely manage the particular equine or livestock based on the participant's representations of his ability.

(b) Owns, leases, rents or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known or should have been known to the equine or livestock activity sponsor, equine or livestock professional or person, and for which warning signs have not been conspicuously posted.

(c) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused the injury.

(d) Intentionally injures the participant.

(3) Nothing in subsection (1) of this section shall prevent or limit the liability of an equine or livestock activity sponsor or an equine or livestock professional under liability provisions as set forth in products liability laws.

CREDIT(S)

Laws 1994, Ch. 443, § 3, eff. July 1, 1994. Amended by Laws 2003, Ch. 451, § 3, eff. July 1, 2003.

§ 95-11-7. Posting signs containing warning notice

(1) Every equine or livestock activity sponsor and every equine or livestock professional shall post and maintain signs which contain the warning notice specified in subsection (2) of this section. Such signs shall be placed in a clearly visible location on or near stables, corrals or arenas where the equine or livestock activity sponsor or the equine or livestock professional conducts equine activities or livestock shows. The warning notice specified in subsection (2) of this section shall appear on the sign in black letters, with each letter to be a minimum of one (1) inch in height. Every written contract entered into by an equine or livestock professional or by an equine or livestock activity sponsor for the providing of professional services, instruction or the rental of equipment or tack, or an equine or livestock participant, whether or not the contract involves equine activities or livestock shows on or off the location or site of the equine or livestock activity sponsor's or the equine or livestock professional's business, shall contain in clearly readable print the warning notice specified in subsection (2) of this section.

(2) The signs and contracts described in subsection (1) of this section shall contain the following warning notice:

WARNING:

Under Mississippi law, an equine or livestock activity sponsor or an equine or livestock professional is not liable for an injury to or the death of a participant in equine activities or livestock shows resulting from the inherent risks of equine activities or livestock shows, pursuant to this chapter.

(3) Failure to comply with the requirements concerning warning signs and notices provided in this section shall prevent an equine or livestock activity sponsor or equine or livestock professional from invoking the privileges of immunity provided by this chapter.

CREDIT(S)

Laws 1994, Ch. 443, § 4, eff. July 1, 1994. Amended by Laws 2003, Ch. 451, § 4, eff. July 1, 2003.