

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO EQUINE ACTIVITY LIABILITY
5 LIMITATIONS; PROVIDING FOR WAIVERS OF LIABILITIES FOR PARTICIPANTS IN EQUINE ACTIVITIES;
6 ALLOWING EQUINE ACTIVITY WAIVERS TO BE LEGALLY CHALLENGED ON OTHER GROUNDS; AND
7 AMENDING SECTION 27-1-727, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 27-1-727, MCA, is amended to read:

12 **"27-1-727. Equine activity liability limitations -- waivers.** (1) Except as provided in subsections (2)
13 ~~and (3) through (4)~~, an equine activity sponsor or an equine professional is not liable for an injury to or the
14 death of a participant engaged in an equine activity resulting from risks inherent in equine activities.

15 (2) An equine participant shall act in a safe and responsible manner at all times to avoid injury to
16 the participant and others and to be aware of risks inherent in equine activities.

17 (3) Subsection (1) does not apply:

18 (a) if the equine activity sponsor or the equine professional:

19 (i) provided the equipment or tack and the equipment or tack caused the injury because the
20 equine activity sponsor or equine professional failed to reasonably and prudently inspect or maintain the
21 equipment;

22 (ii) provided the equine and failed to make reasonable and prudent efforts to determine the ability
23 of the participant to safely engage in the equine activity and the participant's ability to safely manage the
24 particular equine based on the participant's representations as to the participant's ability;

25 (iii) owned, leased, rented, or otherwise was in lawful possession and control of the land or
26 facilities upon which the participant sustained injuries caused by a dangerous latent condition that was known
27 or should have been known to the equine activity sponsor or the equine professional;

28 (iv) committed an act or omission that constituted willful or wanton disregard for the safety of the

1 participant and the act or omission caused the injury; or

2 (v) intentionally injured the participant; or

3 (b) in a products liability action.

4 (4) (a) Any waiver or release for equine activities must:

5 (i) state known inherent risks of equine activities; and

6 (ii) contain the following statement in bold typeface:

7 "By signing this document, you may be waiving your legal right to a jury trial to hold the provider legally
8 responsible for any injuries or damages resulting from risks inherent in equine activities or for any injuries or
9 damages you may suffer due to the provider's ordinary negligence that are the result of the provider's failure to
10 exercise reasonable care."

11 (b) Any waiver or release for equine activities may still be challenged on any legal grounds.

12 (c) Any waiver or release for equine activities that is in compliance with this section is not
13 prohibited by or subject to the provisions of 28-2-702."

14 - END -