CHAPTER 53-10
EQUINE ACTIVITY SPONSOR OR PROFESSIONAL

53-10-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Engages in an equine activity" means a person who rides, trains, drives, or is a passenger upon an equine, whether mounted or unmounted, and does not mean a spectator in equine activity or a person who participates in the equine activity but does not ride, train, drive, or ride as a passenger upon an equine.
2. "Equine" means a horse, pony, mule, donkey, or hinny.
3. "Equine activity" means:
   a. An equine show, fair, competition, performance, or parade that involves any breed of equine in any equine discipline, including dressage, a hunter and jumper horse show, grand prix jumping, a three-day event, combined training, a rodeo, driving, pulling, cutting, polo, steeplechasing, endurance, trail riding, guided trail rides, pleasure trail riding, wagon and buggy rides, and western games and hunting;
   b. An equine training or teaching activity;
   c. Boarding an equine;
   d. Riding, inspecting, or evaluating an equine 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 is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine; and
   e. A ride, trip, hunt, or other equine activity of any type however informal or impromptu that is sponsored by an equine activity sponsor.
4. "Equine activity sponsor" means an individual, group, club, partnership, corporation, or limited liability company, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes, or provides the facility for an equine activity including a pony club, 4-H club, hunt club, riding club, school or college-sponsored class or program, therapeutic riding program, and an operator, instructor, or promoter of an equine facility including but not limited to a stable, clubhouse, pony ride string, fair, or arena at which the activity is held.
5. "Equine professional" means a person engaged for compensation in:
   a. Instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon an equine; or
   b. In renting equipment or tack to a participant.
6. "Participant" means any person, whether amateur or professional, who directly engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

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

1. Except as provided in subsection 2, an equine activity sponsor or an equine professional is not liable for an injury to or the death of a participant engaged in an equine activity, and, except as provided in subsection 2, no participant or participant's representative may maintain an action against or recover from an equine activity sponsor or an equine professional for an injury to or the death of a participant engaged in an equine activity. This chapter does not apply to the horse racing industry as regulated in chapter 53-06.2.
2. Nothing in subsection 1 prevents or limits the liability of an equine activity sponsor or an equine professional:
   a. If the equine activity sponsor or the equine professional:
      (1) Provided the equipment or tack and the equipment or tack caused the injury; or
      (2) Provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity, to determine the ability of the equine to behave safely with the participant,

and to determine the ability of the participant to safely manage the particular equine;

b. If the equine activity sponsor or the equine professional owns, leases, rents, or otherwise is in lawful possession and control of the land or facility upon which the participant sustained an injury because of the dangerous latent condition which was known to or should have been known to the equine activity sponsor or the equine professional and for which a warning sign has not been conspicuously posted;
c. If the equine activity sponsor or the equine professional 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. If the equine activity sponsor or the equine professional intentionally injures the participant;
e. Under products liability provisions as set forth in products liability laws; or
f. Under liability provisions in chapter 36-11.