
SENATE BILL NO. 448—COMMITTEE ON NATURAL RESOURCES

MARCH 15, 1999

Referred to Committee on Judiciary

SUMMARY—Limits civil liability of person for injuries or death resulting from certain equine activities. (BDR 3-1245)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to civil liability; limiting the civil liability of a person for injuries or death resulting from certain inherent risks of equine activities; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 41 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
- 3 ***1. Except as otherwise provided in subsection 3, a sponsor, equine***
4 ***professional, veterinarian or any other person is immune from civil***
5 ***liability for an injury to or the death of a participant as a result of an***
6 ***inherent risk of an equine activity.***
- 7 ***2. A participant shall:***
8 ***(a) Act in a safe and responsible manner when engaged in an equine***
9 ***activity; and***
10 ***(b) Before engaging in an equine activity, know and be aware of the***
11 ***inherent risks of that activity.***
- 12 ***3. A person is not immune from civil liability pursuant to this section***
13 ***if he:***
14 ***(a) Provided to the participant defective tack or other equipment that***
15 ***caused the injury or death of the participant and he knew or should have***
16 ***known of the defective condition of the tack or equipment.***
17 ***(b) Provided to the participant the equine upon or around which the***
18 ***injury or death occurred without making reasonable efforts to determine***
19 ***the ability of the participant to:***

- 1 (1) *Engage in the equine activity safely; and*
- 2 (2) *Control the equine based upon a representation made to him by*
- 3 *the participant concerning the ability of the participant to control that*
- 4 *equine.*
- 5 (c) *Owens, leases, rents or is otherwise in lawful possession and control*
- 6 *of the property or facility where the injury or death occurred if the injury*
- 7 *or death was the result of a dangerous latent condition known to him.*
- 8 (d) *Committed an act or omission that:*
- 9 (1) *Was in willful or wanton disregard for the safety of the*
- 10 *participant; and*
- 11 (2) *Caused the injury or death of the participant.*
- 12 (e) *Intentionally injured or caused the death of the participant.*
- 13 4. *As used in this section:*
- 14 (a) *“Equine” means a horse, pony, mule, hinny or donkey.*
- 15 (b) *“Equine activity” means an activity in which an equine is ridden,*
- 16 *driven or otherwise used, including, without limitation:*
- 17 (1) *Shows, fairs, competitions, performances, parades, rodeos,*
- 18 *cutting events, polo matches, steeplechases, endurance rides, trail rides*
- 19 *or packing or hunting trips.*
- 20 (2) *Lessons, training or other instructional activities.*
- 21 (3) *Boarding an equine.*
- 22 (4) *Riding, inspecting, evaluating or allowing the use of an equine*
- 23 *owned by another person, regardless of whether the owner of the equine*
- 24 *receives money or other consideration for the use of the equine.*
- 25 (5) *Providing medical treatment for an equine.*
- 26 (6) *Placing or measuring gear or tack on an equine.*
- 27 (7) *Placing or replacing shoes on an equine.*
- 28 *The term does not include a race for which a license is required pursuant*
- 29 *to the provisions of chapter 466 of NRS.*
- 30 (c) *“Equine professional” means a person who, for money or other*
- 31 *consideration:*
- 32 (1) *Provides to a participant lessons, training or instruction relating*
- 33 *to an equine activity; or*
- 34 (2) *Rents or leases an equine or tack or other equipment to a*
- 35 *participant.*
- 36 (d) *“Inherent risk of an equine activity” means a danger or condition*
- 37 *that is an essential part of an equine activity, including, without*
- 38 *limitation:*
- 39 (1) *The propensity of an equine to behave in a manner that may*
- 40 *result in injury or death to a person who is on or near the equine;*
- 41 (2) *The unpredictable reaction of an equine to sounds, sudden*
- 42 *movements or unfamiliar objects, persons or animals;*

1 ***(3) A hazardous surface or subsurface or other hazardous***
2 ***condition;***

3 ***(4) A collision with another animal or object;***

4 ***(5) The failure of a participant to maintain control of an equine or***
5 ***to engage safely in an equine activity; and***

6 ***(6) A negligent act by a participant while using an equine.***

7 ***(e) "Participant" means a person who engages in an equine activity,***
8 ***regardless of whether a fee is paid to engage in that activity. The term***
9 ***includes a person who assists a participant in an equine activity or a***
10 ***spectator at an equine activity if the spectator is in an unauthorized area***
11 ***that is in the immediate area of the equine activity.***

12 ***(f) "Sponsor" means a person who organizes or provides money or a***
13 ***facility for an equine activity.***

14 **Sec. 2.** NRS 41.480 is hereby amended to read as follows:

15 41.480 ***Except as otherwise provided in section 1 of this act:***

16 1. A nonprofit corporation, association or organization formed under
17 the laws of this state is not immune from liability for the injury or damage
18 caused any person, firm or corporation as a result of the negligent or
19 wrongful act of the nonprofit corporation, association or organization, or its
20 agents, employees or servants acting within the scope of their agency or
21 employment.

22 2. No action may be brought against an officer, trustee, director or
23 other possessor of the corporate powers of a nonprofit association or trust
24 formed under the laws of this state based on any act or omission arising
25 from failure in his official capacity to exercise due care regarding the
26 management or operation of the entity unless the act or omission involves
27 intentional misconduct, fraud or a knowing violation of the law.

28 **Sec. 3.** The amendatory provisions of this act do not apply to a cause
29 of action or claim arising from an injury or death specified in section 1 of
30 this act that occurs before October 1, 1999.