

# MONTANA CODE ANNOTATED

## TITLE 27 CIVIL LIABILITY, REMEDIES, AND LIMITATIONS

### CHAPTER 1 AVAILABILITY OF REMEDIES -- LIABILITY

#### Part 7 Liability

Mont. Code Anno., § 27-1-725 (1993)

#### 27-1-725. Purpose

The purpose of 27-1-725 through 27-1-727 is to assist courts and juries in defining the circumstances under which persons responsible for equines may be found liable for damages to persons harmed in the course of equine activities. It is the policy of the state of Montana that a person is not liable for damages sustained by another solely as a result of risks inherent in equine activities if those risks are or should be reasonably obvious, expected, or necessary to persons engaged in equine activities. It is the policy of the state of Montana that an equine activity sponsor or equine professional who is negligent and causes foreseeable injury to a participant bears responsibility for that injury in accordance with other applicable law.

Mont. Code Anno., § 27-1-726 (1993)

#### 27-1-726. Definitions

As used in 27-1-725 through 27-1-727, the following definitions apply:

(1) "Engage in an equine activity" means to ride, train, drive, or be a passenger upon an equine, whether mounted or unmounted, or to assist a participant, equine activity sponsor, or equine professional. The phrase does not mean activity by a spectator at an equine activity, unless the spectator is improperly in an unauthorized area in immediate proximity to an equine activity.

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

(3) "Equine activity" means:

(a) equine shows, fairs, competitions, performances, or parades that involve any breed of equines and any of the equine disciplines, including but not limited to dressage, hunter and jumper horse shows, grand prix jumping, 3-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, endurance trail riding and western games, and hunting;

(b) equine training or teaching activities;

(c) boarding equines;

(d) riding, inspecting, grooming, or evaluating an equine belonging to another, whether or not the owner has received monetary consideration or another thing of value for the use of

the equine or permits a prospective purchaser of the equine to ride, inspect, groom, or evaluate the equine;

(e) rides, trips, hunts, pack trips, or other equine activities of any type, however informal, that are sponsored by an equine activity sponsor; and

(f) providing veterinarian or farrier services.

(4) "Equine activity sponsor" means an individual, group, club, partnership, corporation, or other entity, whether operating for profit or nonprofit, that sponsors, organizes, or provides the facilities for an equine activity. The phrase includes but is not limited to pony clubs; 4-H clubs; hunt clubs; riding clubs; riding classes and programs; therapeutic riding programs; operators, instructors, and promoters of equine facilities; stables; clubhouses; pony ride strings; farms; ranches; and arenas.

(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 the equine;

(b) selling or renting equipment or tack to a participant; or

(c) providing veterinary or farrier services.

(6) "Participant" means a 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.

(7) "Risks inherent in equine activities" means dangers or conditions that are an integral part of equine activities, including but not limited to:

(a) the propensity of an equine to behave in ways that may result in injury or harm to or the death of persons on or around the equine;

(b) the unpredictability of an equine's reaction to such things as medication; sounds; sudden movement; and unfamiliar objects, persons, or other animals;

(c) hazards, such as surface and subsurface ground conditions;

(d) collisions with other equines or objects; or

(e) the potential of another participant to not maintain control over the equine or to not act within the person's ability.

Mont. Code Anno., § 27-1-726 (1993)

27-1-727. Equine activity liability limitations

(1) Except as provided in subsections (2) and (3), 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 resulting from risks inherent in equine activities.

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

(3) Subsection (1) does not apply:

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

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

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

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

(iv) committed an act or omission that constituted willful or wanton disregard for the safety of the participant and the act or omission caused the injury; or

(v) intentionally injured the participant; or

(b) in a products liability action.

27-1-728. Mule and horseracing -- exception

Sections 27-1-725 through 27-1-727 do not apply to the horseracing and mule racing industry as regulated in Title 23, chapter 4.

Effective Date: Section 6, Ch. 119, L. 1993, provided: "[This act] is effective on passage and approval." Approved March 18, 1993.