

# The Equine Activity Liability Act: How it Affects Associations & Sponsors

By Denise E. Farris

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The 1990's witnessed a revolution in the laws regarding liability of horsemen and equine businesses for equine-related injuries. Legislatively designed to encourage participants in the multi-billion dollar equestrian industry, as of February 2003, forty-four states have enacted some form of equine liability limitation law, with Pennsylvania ready to join those states. The Equine Activity Liability Act (EALA) statute typically limits instances in which participants can sue horse owners or equestrian professionals and sponsors for injuries sustained in equine activities.

**Despite this important protective legislation, ride entry forms and liability waivers provided by most national and local breed associations and/or riding disciplines ARE NOT LEGALLY COMPLIANT WITH THESE STATUTES!** As explained below, the statutes restrict parties' ability to assert claims for equine-related injuries. However, to obtain the protection of the statute, the equine professional or sponsor, **including Show or Activity sponsors**, must typically do two things: (1) post the warning sign which conforms to that state's EALA statute, and (2) insert mandatory warning language in equine contracts. **Equine contracts include ride or event entry forms and liability waivers! The mandatory language for these contracts and waivers varies from state to state, and the language must be specific to that state.**

In speaking to local chapters of the various associations, most members believe that the forms provided by the national associations have been legally reviewed to afford maximum protection in each state where an activity is held. **THIS IS NOT CORRECT.** The national associations provide forms which serve as templates, but by and large rely on the state chapters to ensure full legal compliance with state law. This can be accomplished in a simple and cost effective manner:

1. Secure legal advice regarding your particular state's EALA requirements
2. Determine if your state requires sign posting and specific contract language
3. If sign posting is required, be sure that signs are posted:
  - a. At **ALL** entrances to areas where people access equines. The test is: "Can I enter an equine area without having to pass a warning sign?" The signs are relatively inexpensive and you simply cannot purchase too many of them.
  - b. If your event is held outside, post the warning sign at: the event entry table, rider sign-in table, or if no better place is available, in the front windshield of the ride manager's car, **or all of the above!**
4. Next, if your state's EALA statute requires specific contract language, determine a manner in which a second page can be attached to the form provided by the national association. This additional page should:
  - a. Identify the name, date and location of the show or event
  - b. State that the participant has read and understands the following warning, and insert in appropriate typeset the mandatory language required by that state's EALA law;
  - c. Incorporate by reference the event entry form or other waiver provided by the association, and
  - d. Be separately signed and dated by the participant, **signed by both parents if the participant is a minor**, stapled to the standard entry forms, and **kept as a permanent record** in the event of an accident or later claim. **RECORDS SHOULD BE SAVED FOR FIVE YEARS.**

**NOTE THAT THIS ATTACHMENT IS LEGALLY REQUIRED IN THE FOLLOWING STATES TO BE FULLY COMPLIANT WITH THE EALA LAW OF THAT STATE:**

Alabama	Arizona*	Colorado	Delaware	Florida
Georgia	Illinois	Indiana	Iowa	Kansas
Kentucky	Louisiana	Maine	Massachusetts	Michigan
Missouri	Mississippi	Nebraska	North Carolina	Ohio*
Oklahoma*	Oregon*	Rhode Island	South Carolina	South Dakota
Tennessee	Texas	Vermont	Virginia*	West Virginia*
Wisconsin				

\* Requires separate liability release with specific wording per statute

A show sponsor's failure to include this important language prevents that sponsor from receiving the protections of these important statutes!

The above identifies issues with association and event standard forms. If you are currently a national or local equine sponsor, take a minute to review the forms you're using to ensure their statutory compliance with YOUR state's EALA law.

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