

16-120-202.Liability.

(a)(1) Except as provided in subdivision (a)(2) of this section, an equine activity sponsor or an employee of an equine activity sponsor shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities.

(2) Nothing in subdivision (a)(1) of this section shall prevent or limit the liability of an equine activity sponsor or an employee of an equine activity sponsor who:

(A)(i) Provided the equipment or tack and knew or should have known that the equipment or tack was faulty, and that such equipment or tack was faulty to the extent that it did cause injury;

(ii) Provided the equine animal and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity or to determine the ability of the participant to engage safely in the equine activity and to safely manage the particular equine based on the participant's representation of his ability;

(B) Owned, leased, rented, or otherwise was in lawful possession and control of the land or facilities upon which the participant sustained injury because of a dangerous latent condition which was known or should have been known to the equine activity sponsor or to an employee of the sponsor and for which warning signs had not been conspicuously posted;

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

(D) Intentionally injured the participant.

(3) Nothing in subdivision (a)(1) of this section shall prevent or limit the liability of an equine activity sponsor or an employee thereof under liability provisions as set forth in products liability laws.

(b)(1) Every equine activity sponsor shall post and maintain signs which contain the warning notice specified in subdivision (b)(2) of this section. Such signs shall be placed in a clearly visible location on or near stables, corrals, or arenas where the equine activity sponsor conducts equine activities. The warning notice specified in subdivision (b)(2) of this section shall appear on the sign in black letters, with each letter to be a minimum of one inch (1") in height.

(2) The signs described in subdivision (b)(1) of this section shall contain the following warning notice:

WARNING

Under Arkansas law, an equine activity sponsor is not liable for an injury to, or the death of, a participant in equine activities resulting from the inherent risk of equine activities.

(c) Provided, the immunity provided for in this section is not applicable with respect to thoroughbred horse racing as authorized and regulated in

23-110-101 et seq. §

1, 2. 2; 1995, No. 353, §§ History. Acts 1991, No. 103, §