

ASSEMBLY AGRICULTURE AND WASTE MANAGEMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2267

STATE OF NEW JERSEY

DATED: DECEMBER 5, 1996

The Assembly Agriculture and Waste Management Committee favorably reports Assembly Bill No. 2267.

This bill would establish by statute the responsibilities and liabilities of those individuals who engage in equine animal activities. Equine animal activities includes any activity that involves the use of horses and ponies such as riding lessons, trail riding, horse training, or engaging in horse shows. This bill would enable operators of equestrian areas, acting under a reasonable basis, to prevent participants or spectators who are under the influence of drugs or alcohol from engaging in an equine animal activity without subjecting the operator to criminal or civil liability.

This bill would provide that one who engages in equine activities assumes the risks involved in those activities. Under the provisions of this bill, notwithstanding the provisions of New Jersey's law with regard to comparative negligence, a participant would be completely barred from suing an operator for injuries to which the participant contributed by failing to conduct himself within the limits of his abilities.

The following actions or lack thereof on the part of operators would be exceptions to the limitation on liability for operators:

a. Knowingly providing equipment or tack that is faulty to the extent that it causes or contributes to injury.

b. Failure to make reasonable and prudent efforts to determine the participant's ability to safely manage the particular equine animal, based on the participant's representation of his ability, or the representation of the guardian, or trainer of that person standing in loco parentis, if a minor.

c. A case in which the participant is injured or killed by a known dangerous latent condition on property owned or controlled by the equine animal activity operator and for which warning signs have not been posted.

d. An act or omission on the part of the operator that constitutes negligent disregard for the participant's safety, which act or omission causes the injury, and

e. Intentional injuries to the participant caused by the operator.

The bill also would establish certain preconditions which must be met prior to instituting an action against an operator. The participant must file a report with the operator, in writing, outlining the details of the injury. This report must be filed no later than 180 days after the time of the accident. If the participant fails to file the report, a Superior Court judge may allow him to file anytime within one year after the accident; provided that the operator is not substantially prejudiced by the late report.

In addition, this bill would provide that when a participant accident involves a minor the time limits for the report and the statute of limitations would not begin to run until the minor reaches the age of majority unless the decisions have knowingly been made by a guardian, trainer or person standing in loco parentis.

Finally, the bill would require operators to post and maintain signs that state that the operator is not liable for an injury to or the death of a participant in equine animal activities resulting from the inherent risks of equine animal activities.