

**ASSEMBLY, No. 1564**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**  
**Assemblyman ERIC HOUGHTALING**  
**District 11 (Monmouth)**

**SYNOPSIS**

Revises equine animal activities law in accordance with recommendations of New Jersey Law Revision Commission to clarify responsibility and liability issues.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning equine animal activities and amending  
2 P.L.1997, c.287.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. Section 2 of P.L.1997, c.287 (C.5:15-2) is amended to read  
8 as follows:

9 2. As used in this act, P.L.1997, c.287 (C.5:15-1 et seq.):

10 "Equestrian area" means all of the real and personal property  
11 under the control of the operator or on the premises of the operator  
12 which are being occupied, by license, lease, fee simple or  
13 otherwise, including but not limited to designated trail areas,  
14 designated easements or rights-of-way for access to trails, and other  
15 areas utilized for equine animal activities.

16 "Equine animal" means a horse, pony, mule or donkey.

17 "Equine animal activity" means any activity that involves the use  
18 of an equine animal and shall include selling equipment and tack;  
19 transportation, including the loading and off-loading for travel to or  
20 from a horse show or trail system; inspecting, or evaluating an  
21 equine animal belonging to another person whether or not the  
22 person has received compensation; placing or replacing shoes on an  
23 equine animal; and veterinary treatment on an equine animal.

24 **["Inherent risk or risks of an equine animal activity" means those**  
25 **dangers which are an integral part of equine animal activity, which**  
26 **shall include but need not be limited to:**

27 a. The propensity of an equine animal to behave in ways that  
28 result in injury, harm, or death to nearby persons;

29 b. The unpredictability of an equine animal's reaction to such  
30 phenomena as sounds, sudden movement and unfamiliar objects,  
31 persons or other animals;

32 c. Certain natural hazards, such as surface or subsurface  
33 ground conditions;

34 d. Collisions with other equine animals or with objects; and

35 e. The potential of a participant to act in a negligent manner  
36 that may contribute to injury to the participant or others, including  
37 but not limited to failing to maintain control over the equine animal  
38 or not acting within the participant's ability. **】**

39 "Operator" means a person or entity who owns, manages,  
40 controls or directs the operation of an area where individuals  
41 engage in equine animal activities whether or not compensation is  
42 paid. "Operator" shall also include an agency of this State, political  
43 subdivisions thereof or instrumentality of said entities, or any  
44 individual or entity acting on behalf of an operator for all or part of  
45 such activities.

**EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is  
not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 "Participant" means any person, whether an amateur or  
2 professional, engaging in an equine animal activity, whether or not  
3 a fee is paid to engage in the equine animal activity or, if a minor,  
4 the natural guardian, or trainer of that person standing in loco  
5 parentis, and shall include anyone accompanying the participant, or  
6 any person coming onto the property of the provider of equine  
7 animal activities or equestrian area whether or not an invitee or  
8 person pays consideration.

9 "Spectator" means a person who is present in an equestrian area  
10 for the purpose of observing equine animal activities whether or not  
11 an invitee.

12 (cf: P.L.1997, c.287, s.2)

13  
14 2. Section 3 of P.L.1997, c.287 (C.5:15-3) is amended to read  
15 as follows:

16 3. A participant and spectator are deemed to assume the  
17 inherent risks of equine animal activities **【created by equine**  
18 **animals, weather conditions, conditions of trails, riding rings,**  
19 **training tracks, equestrians, and all other inherent conditions】** ,  
20 meaning those dangers that are an integral part of equine animal  
21 activity, including:

22 (1) the propensity of an equine animal to behave in ways that  
23 result in injury, harm, or death to nearby persons;

24 (2) the unpredictability of an equine animal's reaction to such  
25 phenomena as sounds, sudden movement, and unfamiliar objects,  
26 persons, or other animals;

27 (3) risks created by weather or certain natural hazards, such as  
28 surface or subsurface ground conditions;

29 (4) collisions with other equine animals or with objects; and

30 (5) the potential of a participant or other person to act in a  
31 negligent manner that may contribute to injury to the participant or  
32 others, including, but not limited to, failing to maintain control over  
33 the equine animal or not acting within the participant's ability.

34 Each participant is assumed to know the range of his ability and  
35 it shall be the duty of each participant to conduct himself within the  
36 limits of such ability to maintain control of his equine animal and to  
37 refrain from acting in a manner which may cause or contribute to  
38 the injury of himself or others, loss or damage to person or  
39 property, or death which results from participation in an equine  
40 animal activity.

41 (cf: P.L.1997, c.287, s.3)

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43 3. Section 5 of P.L.1997, c.287 (C.5:15-5) is amended to read  
44 as follows:

45 5. The assumption of risk set forth in section 3 of this act,  
46 P.L.1997, c.287 (C.5:15-3), shall be a complete bar of suit and shall  
47 serve as a complete defense to a suit against an operator by a  
48 participant for injuries resulting from the assumed risks,

1 notwithstanding the provisions of P.L.1973, c.146 (C.2A:15-5.1 et  
2 seq.) relating to comparative negligence, unless an operator has  
3 violated his responsibilities under this act, P.L.1997, c.287 (C.5:15-  
4 1 et seq.), in which case the provisions of P.L.1973, c. 146 shall  
5 apply. Failure of a participant to conduct himself within the limits  
6 of his abilities , and to adhere to the duties, as provided in section 3  
7 of this act, P.L.1997, c.287 (C.5:15-3) shall bar suit against an  
8 operator to compensate for injuries resulting from equine animal  
9 activities, where such failure is found to be a contributory factor in  
10 the resulting injury, unless the operator has violated his  
11 responsibilities under this act, P.L.1997, c.287 (C.5:15-1 et seq.), in  
12 which case the provisions of P.L.1973, c. 146 shall apply.  
13 (cf: P.L.1997, c.287, s.5)  
14

15 4. Section 9 of P.L.1997, c.287 (C.5:15-9) is amended to read  
16 as follows:

17 9. **【**Notwithstanding any provisions of sections 3 and 4 of this  
18 act to the contrary, the following actions or lack thereof on the part  
19 of operators shall be exceptions to the limitation on liability for  
20 operators:

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

23 b. Failure to**】**

24 The operator shall have the responsibility to:

25 (1) maintain in good condition all equipment and tack used in  
26 equine animal activities;

27 (2) inspect all equipment and tack on a regular basis to ensure  
28 the equipment and tack are in good condition;

29 (3) make reasonable and prudent efforts to determine the  
30 participant's ability to **【safely】** manage the particular equine  
31 animal, based on the participant's representation of his ability, or  
32 the representation of the guardian, or trainer of that person standing  
33 in loco parentis, if a minor**】.**

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

38 d. An**】**:

39 (4) make reasonable inspections of the property owned,  
40 controlled, or used by the operator for equine animal activity, in  
41 order to: discover dangerous conditions on that property, eliminate  
42 the dangerous conditions or post warnings signs when elimination is  
43 not practicable, maintain the property in a reasonably safe  
44 condition, and refrain from creating conditions that would render  
45 the property unsafe;

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