
ASSEMBLY BILL NO. 250—ASSEMBLYMEN MUNFORD; PAUL
ANDERSON, ELLISON, HANSEN, HICKEY AND HOGAN

MARCH 13, 2013

JOINT SPONSOR: SENATOR GOICOECHEA

Referred to Committee on Judiciary

SUMMARY—Provides immunity from civil liability to certain persons for injuries or death resulting from certain equine activities. (BDR 3-243)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to civil liability; providing immunity from civil liability to certain persons for injuries or death resulting from certain risks inherent in equine activities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill provides immunity from civil liability in certain
2 circumstances to certain persons who sponsor, organize or provide money or a
3 facility for an equine activity and to certain equine professionals for an injury or
4 death resulting from a risk inherent in an equine activity.
5 Existing law provides that certain nonprofit entities are not immune from civil
6 liability for injury or death caused by the nonprofit entities or their agents,
7 employees or servants acting within the scope of their agency or employment, but
8 provides immunity from personal civil liability to certain persons acting in their
9 official capacity for those certain nonprofit entities under certain circumstances.
10 (NRS 41.480) **Section 2** of this bill makes the immunity from civil liability
11 provided in **section 1** for injury or death resulting from an inherent risk of an
12 equine activity applicable to those persons and nonprofit entities.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 41 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in this section, an equine*
4 *activity sponsor or equine professional is immune from civil*
5 *liability for an injury to or the death of a participant engaged in*
6 *an equine activity resulting from a risk inherent in an equine*
7 *activity.*

8 2. *A participant shall, when engaged in an equine activity, act*
9 *in a safe and responsible manner at all times to avoid injury to the*
10 *participant and others and to be aware of the risks inherent in*
11 *equine activities.*

12 3. *A participant must, before engaging in an equine activity,*
13 *know and be aware of the risks inherent in that equine activity.*

14 4. *The immunity from civil liability provided pursuant to*
15 *subsection 1 does not apply if the equine activity sponsor or equine*
16 *professional:*

17 (a) *Provided defective tack or other equipment to the*
18 *participant that caused the injury or death of the participant and*
19 *the equine activity sponsor or equine professional knew or should*
20 *have known of the defective condition of the tack or equipment.*

21 (b) *Provided the equine upon or around which the injury or*
22 *death occurred without making reasonable efforts to determine the*
23 *ability of the participant to:*

24 (1) *Safely engage in the equine activity; and*

25 (2) *Safely manage the equine based on the participant's*
26 *representations as to the participant's ability.*

27 (c) *Owns, leases, rents or is otherwise in lawful possession and*
28 *control of the property or facility where the injury or death*
29 *occurred if the injury or death was the result of a dangerous latent*
30 *condition that was known or should have been known to the*
31 *equine activity sponsor or equine professional.*

32 (d) *Committed an act or omission that constituted willful or*
33 *wanton disregard for the safety of the participant and the act or*
34 *omission caused the injury or death of the participant.*

35 (e) *Intentionally injured or caused the death of the participant.*

36 5. *An equine activity sponsor or equine professional is not*
37 *immune from civil liability pursuant to this section in an action*
38 *for product liability.*

39 6. *As used in this section:*

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



1 (b) "Equine activity" means an activity in which an equine is
2 ridden, driven or otherwise used. The term includes, without
3 limitation:

4 (1) Shows, fairs, competitions, performances, parades,
5 rodeos, cutting events, polo matches, steeplechases, endurance
6 rides, trail rides or packing or hunting trips.

7 (2) Lessons, training or other instructional activities.

8 (3) Boarding an equine.

9 (4) Riding, inspecting, evaluating or allowing the use of an
10 equine owned by another person, regardless of whether the owner
11 of the equine receives money or other consideration for the use of
12 the equine.

13 (5) Providing medical treatment to an equine.

14 (6) Placing or measuring gear or tack on an equine.

15 (7) Placing or replacing shoes on an equine.

16 ↪ The term does not include a race for which a license is required
17 pursuant to the provisions of chapter 466 of NRS.

18 (c) "Equine activity sponsor" means a person who sponsors,
19 organizes or provides money or a facility for an equine activity,
20 whether or not for profit.

21 (d) "Equine professional" means a person who, for money or
22 other consideration, engages in:

23 (1) Instructing a participant or renting to a participant an
24 equine for the purpose of riding, driving or being a passenger
25 upon an equine;

26 (2) Selling or renting equipment or tack to a participant; or

27 (3) Providing veterinary or farrier services.

28 (e) "Participant" means a person, whether amateur or
29 professional, who directly engages in an equine activity, regardless
30 of whether a fee is paid to participate in the equine activity. The
31 term includes, without limitation:

32 (1) A person who assists in an equine activity; and

33 (2) A spectator at an equine activity.

34 (f) "Product liability" has the meaning ascribed to it in
35 NRS 695E.090.

36 (g) "Risk inherent in an equine activity" means a danger or
37 condition that is an essential part of an equine activity, including,
38 without limitation:

39 (1) The propensity of an equine to behave in a manner that
40 may result in injury or death to a person who is on or near the
41 equine;

42 (2) The unpredictable reaction of an equine, including,
43 without limitation, to medication, sounds, sudden movements or
44 unfamiliar objects, persons or animals;



1 (3) *A hazardous surface or subsurface or other hazardous*
2 *condition;*

3 (4) *A collision with another animal or object;*

4 (5) *The failure of a participant to maintain control of an*
5 *equine or to engage safely in an equine activity; and*

6 (6) *A negligent act by a participant while using an equine.*

7 **Sec. 2.** NRS 41.480 is hereby amended to read as follows:

8 41.480 *Except as otherwise provided in section 1 of this act:*

9 1. A nonprofit corporation, association or organization formed
10 under the laws of this State is not immune from liability for the
11 injury or damage caused any person, firm or corporation as a result
12 of the negligent or wrongful act of the nonprofit corporation,
13 association or organization, or its agents, employees or servants
14 acting within the scope of their agency or employment.

15 2. No action may be brought against an officer, trustee, director
16 or other possessor of the corporate powers of a nonprofit association
17 or trust formed under the laws of this State based on any act or
18 omission arising from failure in his or her official capacity to
19 exercise due care regarding the management or operation of the
20 entity unless the act or omission involves intentional misconduct,
21 fraud or a knowing violation of the law.

22 **Sec. 3.** The amendatory provisions of this act do not apply to a
23 cause of action or claim that accrues before October 1, 2013.

