



*E*quine LAW 101

**UNDERSTANDING THE ILLINOIS AND
WISCONSIN EQUINE ACTIVITY
AND LIABILITY ACTS**

THE PURPOSE OF THE EQUINE ACTS



By: *Yvonne C. Ocrant, Esq.*
Equine Attorney

Lawsuits are filed

before you can ask what happened and who did what to whom. Unfortunately, no one is completely immune from lawsuits, especially in the horse industry. Despite taking all feasible safety measures, there are always “built-in” dangers while working with or around horses. The Illinois and Wisconsin Equine Activity Liability Acts (the “Equine Acts”) encourage horse related activities by protecting those providing equine activities from liability resulting out of horse-related injuries.

The Equine Acts reduce the risks of lawsuits arising out of the hazardous and unpredictable nature of riding and otherwise being around horses by delineating the responsibilities and assumed risks of equine activities onto the participant engaging in the equine activity. However, each injury or other loss arising out of an equine activity must satisfy the requirements for liability under Equine Act, and not be subject to any of the exceptions, before the liability protections apply.

WARNING
UNDER ILLINOIS LAW, AN EQUINE
ACTIVITY SPONSOR OR PROFESSIONAL
SHALL NOT BE LIABLE FOR ANY INJURY TO,
OR THE DEATH OF A PARTICIPANT IN
EQUINE ACTIVITIES RESULTING FROM THE
INHERENT RISK OF EQUINE ACTIVITIES.

Code of Illinois SB240

WARNING
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Code of Wisconsin § 895.481

The Equine Acts require the posting of the state specific “WARNING” sign where equine activities are taking place. Written contracts and releases for providing professional services, instruction, horses, or renting out equipment or tack, are also enforceable to limit liability exposure, but the document must contain the warning notice specified above in clearly readable print.

The Assumed Risks of Injury

The Equine Acts encourages the defined “equine activities” by imposing an assumed risk of injury, loss, or damages on the equine activity participants. For example, one assumed risk under the Equine Acts is the possibility of a horse to behave in ways that may result in injury to anyone on or around them. If a horse unexpectedly spooks at ice falling from the barn roof, an injured rider may not recover her for her injuries. Similarly, the damages resulting from a rider’s own conduct may prevent their recovery for those damages. If a rider is injured as a result of her horse spooking at the rider’s own red jacket laid over the in-gate, she may be prevented from recovering for her injuries. The Equine Acts are not an Absolute Protection from Liability

It is important to realize that the Equine Acts do not, and were not intended to, completely shield individuals and businesses from any and all liabilities or encourage negligent conduct. Exceptions apply that will subject those to liability despite the protections of the law. For example, providing faulty equipment or tack, improperly matching a horse and rider, failing to properly post warning signs on a dangerous condition, otherwise willfully disregarding the safety of a rider, or intentionally injuring a rider, may subject any equine activity provider to liability.

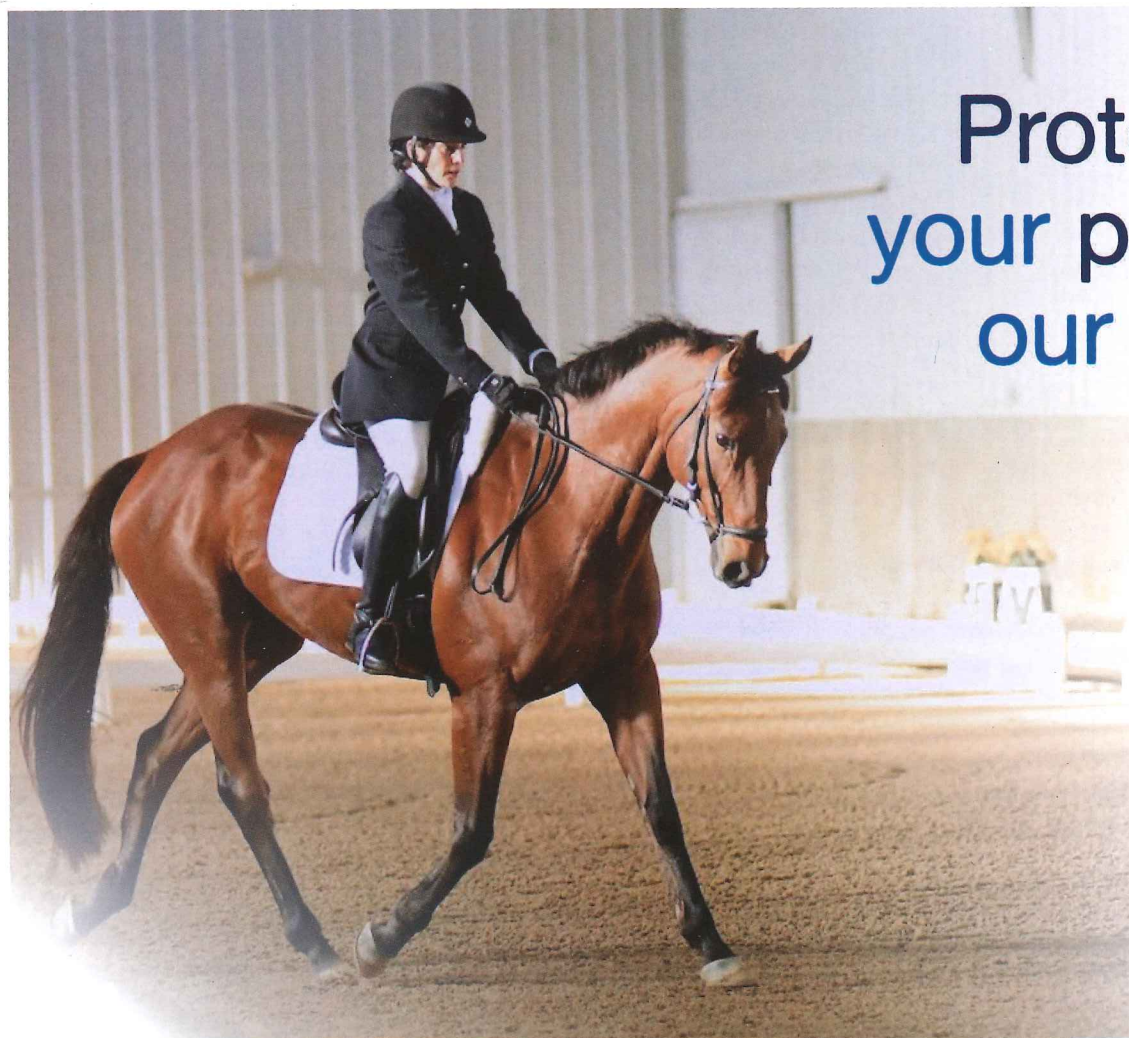
Limit Your Liability

Avoid liability for horse-related injuries by understanding the exceptions to the protections under the Equine Acts. Inspect your tack and equipment before renting or lending it to others. Place noticeable warnings near areas known to have dangerous conditions that riders may not see. Obtain detailed explanations of a rider's abilities and experience before providing a horse. Monitor the general nature and disposition of each horse used for lessons or rentals. Finally, always consider seeking the advice of a knowledgeable attorney who is familiar with your horse-related activities and the laws of the state in which they all take place.

As another effective means of limiting your liability, utilize effective and enforceable liability releases. They are "worth more than the paper they are written on" if properly drafted and signed by the equine activity participant. This includes not only riders, but every visitor to an equine facility such as event spectators, horse grooms and other handlers, and anyone accompanying a participant on the property where the equine activity is taking place. As said above, seek the drafting services of an equine attorney well-versed on the necessary provisions for an equine activity liability release that is enforcement under the applicable state law.

Yvonne C. Ocrant, Esq.

This article is intended for informational and educational purposes only. It is provided with the understanding that the author is not rendering legal advice. If you have questions or concerns regarding this article's subject matter, you may contact the author, a licensed attorney practicing equine law in Illinois, Wisconsin and Florida, at yocrant@hinshawlaw.com.



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Yvonne C. Ocrant, Esq.
Hinshaw & Culbertson LLP
312-704-3080 (office)
847-420-1613 (cell)
yocrant@hinshawlaw.com
www.hinshawlaw.com



HINSHAW
& CULBERTSON LLP