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LexisNexis (R) Texas Annotated Statutes
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*** Federal case annotations: May 14, 2009 postings on Lexis.com ***
*** State case annotations: May 19, 2009 postings on Lexis.com ***

CIVIL PRACTICE AND REMEDIES CODE
TITLE 4. LIABILITY IN TORT
CHAPTER 87. LIABILITY ARISING FROM EQUINE ACTIVITIES OR LIVESTOCK SHOWS

GO TO TEXAS CODE ARCHIVE DIRECTORY

Tex. Civ. Prac. & Rem. Code § 87.001

§ 87.001. Definitions

In this chapter:

- (1) "Engages in an equine activity" means riding, handling, training, driving, assisting in the medical treatment of, being a passenger on, or assisting a participant or sponsor with an equine animal. The term includes management of a show involving equine animals. The term does not include being a spectator at an equine activity unless the spectator is in an unauthorized area and in immediate proximity to the equine activity.
- (2) "Equine animal" means a horse, pony, mule, donkey, or hinny.
- (3) "Equine activity" means:
 - (A) an equine animal show, fair, competition, performance, or parade that involves any breed of equine animal and any equine discipline, including dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, driving, pulling, cutting, polo, steeplechasing, English and Western performance riding, endurance trail riding and Western games, and hunting;
 - (B) equine training or teaching activities;
 - (C) boarding equine animals;
 - (D) riding, inspecting, or evaluating an equine animal belonging to another, without regard to whether the owner receives monetary

consideration or other thing of value for the use of the equine animal or permits a prospective purchaser of the equine animal to ride, inspect, or evaluate the equine animal;

(E) informal equine activity, including a ride, trip, or hunt that is sponsored by an equine activity sponsor;

(F) placing or replacing horseshoes on an equine animal; or

(G) without regard to whether the participants are compensated, rodeos and single event competitions, including team roping, calf roping, and single steer roping.

(4) "Equine activity sponsor" means:

(A) a person or group who sponsors, organizes, or provides the facilities for an equine activity, including equine facilities for a pony club, 4-H club, hunt club, riding club, therapeutic riding program, or high school or college class, program, or activity, without regard to whether the person operates for profit; or

(B) an operator of, instructor at, or promoter for equine facilities, including a stable, clubhouse, pony ride string, fair, or arena at which an equine activity is held.

(5) "Equine professional" means a person engaged for compensation:

(A) to instruct a participant or rent to a participant an equine animal for the purpose of riding, driving, or being a passenger on the equine animal; or

(B) to rent equipment or tack to a participant.

(6) "Livestock animal" means:

(A) an animal raised for human consumption; or

(B) an equine animal.

(7) "Livestock show" means a nonprofit event at which more than two species or breeds of livestock animals are gathered for exhibition or competition.

(8) "Livestock show sponsor" means a recognized group or association that organizes and sanctions a livestock show, including a political subdivision or nonprofit organization that is exempt from federal income tax under *Section 501(a), Internal Revenue Code of 1986*, as amended, by being listed as an exempt organization in Section 501(c)(3) of that code.

(9) "Participant" means:

(A) with respect to an equine activity, a person who engages in the activity, without regard to whether the person is an amateur or professional or whether the person pays for the activity or participates in the activity for free; and

(B) with respect to a livestock show, a person who registers for and is allowed by a livestock show sponsor to compete in a livestock show by showing an animal on a competitive basis, or a person who assists that person.

HISTORY: Enacted by Acts 1995, 74th Leg., ch. 549 (H.B. 280), § 1, effective September 1, 1995; am. Acts 2001, 77th Leg., ch. 1108 (H.B. 2400), § 2, effective September 1, 2001.

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Tex. Civ. Prac. & Rem. Code § 87.002

§ 87.002. Applicability of Chapter

This chapter does not apply to an activity regulated by the Texas Racing Commission.

HISTORY: Enacted by Acts 1995, 74th Leg., ch. 549 (H.B. 280), § 1, effective September 1, 1995.

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Tex. Civ. Prac. & Rem. Code § 87.003

§ 87.003. Limitation on Liability

Except as provided by Section 87.004, any person, including an equine activity sponsor, equine professional, livestock show participant, or livestock show sponsor, is not liable for property damage or damages arising from the personal injury or death of a participant in an equine activity or livestock show if the property damage, injury, or death results from the dangers or conditions that are an inherent risk of an equine activity or the showing of an animal on a competitive basis in a livestock show, including:

- (1) the propensity of an equine or livestock animal to behave in ways that may result in personal injury or death to a person on or around it;
- (2) the unpredictability of an equine or livestock animal's reaction to sound, a sudden movement, or an unfamiliar object, person, or other animal;
- (3) with respect to equine activities, certain land conditions and hazards, including surface and subsurface conditions;
- (4) a collision with another animal or an object; or
- (5) the potential of a participant to act in a negligent manner that may contribute to injury to the participant or another, including failing to maintain control over the equine or livestock animal or not acting within the participant's ability.

HISTORY: Enacted by Acts 1995, 74th Leg., ch. 549 (H.B. 280), § 1, effective September 1, 1995; am. Acts 2001, 77th Leg., ch. 1108 (H.B. 2400), § 3, effective September 1, 2001.

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Tex. Civ. Prac. & Rem. Code § 87.004

§ 87.004. Exceptions to Limitation on Liability

A person, including an equine activity sponsor, equine professional, livestock show participant, or livestock show sponsor, is liable for property damage or damages arising from the personal injury or death caused by a participant in an equine activity or livestock show if:

- (1) the injury or death was caused by faulty equipment or tack used in the equine activity or livestock show, the person provided the equipment or tack, and the person knew or should have known that the equipment or tack was faulty;
- (2) the person provided the equine or livestock animal and the person did not make a reasonable and prudent effort to determine the ability of the participant to engage safely in the equine activity or livestock show and determine the ability of the participant to safely manage the equine or livestock animal, taking into account the participant's representations of ability;
- (3) the injury or death was caused by a dangerous latent condition of land for which warning signs, written notices, or verbal warnings were not conspicuously posted or provided to the participant, and the land was owned, leased, or otherwise under the control of the person at the time of the injury or death and the person knew of the dangerous latent condition;
- (4) the person committed an act or omission with wilful or wanton disregard for the safety of the participant and that act or omission caused the injury;

(5) the person intentionally caused the property damage, injury, or death; or

(6) with respect to a livestock show, the injury or death occurred as a result of an activity connected with the livestock show and the person invited or otherwise allowed the injured or deceased person to participate in the activity and the injured or deceased person was not a participant as defined by Section 87.001(9)(B).

HISTORY: Enacted by Acts 1995, 74th Leg., ch. 549 (H.B. 280), § 1, effective September 1, 1995; am. Acts 2001, 77th Leg., ch. 1108 (H.B. 2400), § 4, effective September 1, 2001.

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Tex. Civ. Prac. & Rem. Code § 87.005

§ 87.005. Warning Notice

(a) An equine professional shall post and maintain a sign that contains the warning contained in Subsection (c) if the professional manages or controls a stable, corral, or arena where the professional conducts an equine activity. The professional must post the sign in a clearly visible location on or near the stable, corral, or arena.

(b) An equine professional shall include the warning contained in Subsection (c) in every written contract that the professional enters into with a participant for professional services, instruction, or the rental of equipment or tack or an equine animal. The warning must be included without regard to whether the contract involves equine activities on or off the location or site of the business of the equine professional. The warning must be clearly readable.

(c) The warning posted by an equine professional under this section must be as follows:

UNDER TEXAS LAW (CHAPTER 87, CIVIL PRACTICE AND REMEDIES CODE), AN
EQUINE PROFESSIONAL IS NOT LIABLE FOR AN INJURY TO OR THE DEATH OF A
PARTICIPANT IN EQUINE ACTIVITIES RESULTING FROM THE INHERENT RISKS OF
EQUINE ACTIVITIES.

WARNING

(d) A livestock show sponsor shall post and maintain a sign that contains the warning prescribed by Subsection (f) if the livestock show sponsor manages or controls a stable, barn, corral, or arena at which the livestock show sponsor conducts a livestock show. The livestock show sponsor must post the sign in a clearly visible location near the stable, barn, corral, or arena.

(e) A livestock show sponsor shall include the warning prescribed by Subsection (f) in every written contract that the sponsor enters into with a livestock show participant. The warning must be clearly readable.

(f) The warning posted by a livestock show sponsor under this section must be as follows:

UNDER TEXAS LAW (CHAPTER 87, CIVIL PRACTICE AND REMEDIES CODE), A LIVESTOCK SHOW SPONSOR IS NOT LIABLE FOR AN INJURY TO OR THE DEATH OF A PARTICIPANT IN A LIVESTOCK SHOW RESULTING FROM THE INHERENT RISKS OF LIVESTOCK SHOW ACTIVITIES.

WARNING

HISTORY: Enacted by Acts 1995, 74th Leg., ch. 549 (H.B. 280), § 1, effective September 1, 1995; am. Acts 2001, 77th Leg., ch. 1108 (H.B. 2400), § 5, effective September 1, 2001.