

The SCA Equestrian Marshal's Guide to Adult Equestrian Liability Waivers and Signage in the 50 States

by

Mike Watkins, Esq., Meridies

May 2004

Over the last decade, the horse industry has heavily lobbied the legislatures of the various states to provide lawsuit protection to equine professionals, meaning those who rent or supply horses, tack, and other equipment, and equine activity sponsors, like the typical equestrian activities found at SCA event.

The legislatures of 44 states responded to the lobbying efforts by passing laws that offer some lawsuit protection to equine activity sponsors and equine professionals. In order to protect the SCA, the Board of Directors asked for legal research to develop waivers that would sufficiently invoke the new statutes to provide more protection for the SCA from lawsuits arising out of injuries or death in equine activities.

This endeavor is not meant to burden the marshallate with more paperwork. In fact, using the new Roster-style waiver approved by the Board, these new forms actually can reduce typical event paperwork. For the six states that have no special protection laws like Alaska, California, Nevada, New York, Pennsylvania and Maryland, use the Standard Society Waiver and signage.

The only new addition to this new liability protection is the requirement in many of the 44 states for a conspicuous sign with certain size letters and specific language. These signs can be easily made and only a few need to be posted at the required areas. Once the signs are made, with the addition of a weatherproof covering, these signs can be re-used many times through the years. The equestrian marshal in charge "EMIC" should sign each roster as acknowledgement of rider authorization and waiver submission.

The law requires that participants in equestrian activities be fully informed of the inherent risks of equine activities before they can knowingly and intelligently surrender their right to sue for an injury or death resulting from an equine activity. These forms and signage language, one for every state including the 6 states that have no special liability protection, inform the potential participant of the inherent risks of equine activities and releases the activity sponsor from liability for harm, placing the risk upon the participant for accidents and other inherent risks of equine activity. No waiver can protect against intentional or reckless acts but the mere accidents can have protection of the new laws.

If you have any questions, please feel free to contact me regarding the usage of the form or the requirements of the signage for your SCA equestrian events.

Respectfully,

Mike Watkins, Esq.

Meridies

watkijm@auburn.edu

cc: Legal Committee
SCA Board of Directors

**WAIVER AND INFORMED CONSENT TO PARTICIPATE
IN S.C.A, Inc. EQUESTRIAN ACTIVITIES**

Society Standard Equine Activity Liability Form Rev 2004

NOTICE: Please read this document before signing. Signing this document affirms that you have read it and understand it in its entirety.

NOTICE OF INHERENT RISKS: Equines have the propensity to behave in ways that may result in injury, harm or death to persons on or around the equine; have unpredictable reactions to such things as sounds, sudden movement and unfamiliar objects, persons or other animals; are susceptible to certain hazards such as surface or subsurface conditions, collisions with other equines or objects; propensities include kicking, biting, stamping, stumbling, rearing, and others; tack equipment can fail resulting in falling or loss of control; and activities have the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the equine or not acting within the participant's ability. Equine activities are INHERENTLY DANGEROUS.

Society for Creative Anachronism, Inc. ("SCA")

P. O. Box 360789, Milpitas, California 95036-0789 Tel (408) 263-0641 Fax (408) 263-0641

WAIVER AND INFORMED CONSENT TO PARTICIPATE IN SCA EQUESTRIAN ACTIVITIES

I, the undersigned, having read and understood the content of this document, agree and consent to the provisions contained herein. It is my intention and desire to participate in SCA period equestrian-related activities including but not limited to, riding or authorization check rides, horse-handling, ground crew, mounted games and combat, marshalling, or being present at equestrian activities as an observer or other activity related, however slight, to equestrian activities at events held by the Society for Creative Anachronism, Incorporated. I hereby acknowledge that I am fully aware of the nature, purpose and risks of equine activities of the SCA, Inc.. I acknowledge that these activities are potentially dangerous and that I voluntarily accept any of the inherent risks involved. In consideration for my being permitted to take part in these activities, I agree to be bound by the rules of the SCA, Inc. and to obey the directions of the marshals and other governing officials of activities. In the event of any disagreements or disputes arising from my taking part in these activities, I agree to submit such disagreements or disputes to a board of arbitration appointed by the SCA, Inc. and abide by any decisions reached by such board. I agree to release, hold harmless, and keep indemnified the Society of Creative Anachronism, Inc., its organizers and agents, officials, servants, and representatives from and against all claims, actions, costs, expenses and demands in respect to death, injury, loss or damage to my person or property, howsoever caused, arising out of or in connection with my taking part in these events even if the same may have been contributed to or occasioned by the negligence of the said body or any of its agents, servants, or representatives. It is understood and agreed that this agreement is to be binding upon myself, my heirs, executors and assigns.

I UNDERSTAND THAT THIS IS A LEGAL DOCUMENT. I HAVE READ AND UNDERSTOOD THIS RELEASE AND I UNDERSTAND ALL ITS TERMS. I EXECUTE IT VOLUNTARILY AND WITH FULL KNOWLEDGE OF ITS MEANING AND SIGNIFICANCE. I HEREBY ASSUME ALL OF THE RISKS ASSOCIATED WITH EQUINE RELATED ACTIVITIES.

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**WAIVER AND INFORMED CONSENT TO PARTICIPATE
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State of Michigan Equine Liability Form Rev 2004

**NOTICE: Please read this document before signing. Signing this document affirms
that you have read it and understand it in its entirety.**

The Equine Activity Liability laws of the State of Michigan, Section 691.1663, states among its statutory provisions that “WARNING: Under the Michigan equine activity liability act, an equine professional is not liable for an injury to or the death of a participant in an equine activity resulting from an inherent risk of the equine activity.”

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**WAIVER AND INFORMED CONSENT TO PARTICIPATE
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State of Minnesota Equine Liability Form Rev 2004

NOTICE: Please read this document before signing. Signing this document affirms that you have read it and understand it in its entirety.

The Equine Activity Liability laws of the State of Minnesota, Ch. 604A.12 Subdivision 2, requires the following notice: **NOTICE OF INHERENT RISKS:** Equines have the propensity to behave in ways that may result in injury, harm or death to persons on or around the equine; have unpredictable reactions to such things as sounds, sudden movement and unfamiliar objects, persons or other animals; are susceptible to certain hazards such as surface or subsurface conditions, collisions with other equines or objects; propensities include kicking, biting, stamping, stumbling, rearing, and others; tack equipment can fail resulting in falling or loss of control; and activities have the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the equine or not acting within the participant's ability. Equine activities are **INHERENTLY DANGEROUS.**

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**WAIVER AND INFORMED CONSENT TO PARTICIPATE
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State of North Dakota Equine Liability Form Rev 2004

**NOTICE: Please read this document before signing. Signing this document affirms
that you have read it and understand it in its entirety.**

The Equine Activity Liability laws of the State of North Dakota , § 53-10-02 , state among its statutory provisions that “ Except as provided in Subsection 2, an equine activity sponsor or an equine professional is not liable for an injury to or the death of a participant engaged in an equine activity, and, except as provided in subsection 2, no participant or participant’s representative may maintain an action against or recover from an equine activity sponsor or an equine professional for an injury to or the death of an participant engaged in an equine activity.”

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**WAIVER AND INFORMED CONSENT TO PARTICIPATE
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State of South Dakota Equine Liability Form Rev 2004

**NOTICE: Please read this document before signing. Signing this document affirms
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The Equine Activity Liability laws of the State of South Dakota , § 42-11-2 , state among its statutory provisions that “WARNING: Under South Dakota law, 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, pursuant to § 42-11-2.”

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**WAIVER AND INFORMED CONSENT TO PARTICIPATE
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State of Wisconsin Equine Liability Form Rev 2004

NOTICE: Please read this document before signing. Signing this document affirms that you have read it and understand it in its entirety.

The Equine Activity Liability laws of the State of Wisconsin, Wis. Stat. § 895.481, state among its statutory provisions that “a person, including an equine activity sponsor or an equine, is immune from civil liability for acts or omissions related to his or her participation in equine activities if a person participating in the equine activity is injured or killed as the result of an inherent risk of equine activities.” **WARNING:** Equine Activity is inherently dangerous and equines have: a) the propensity of the animal to behave in ways that may result in injury, harm, or death to persons on or around them; b) the unpredictability of the animal's reaction to outside stimulation such as sounds, sudden movement, and unfamiliar objects, persons, or other animals; c) collisions with other animals or objects; d) or the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.

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I UNDERSTAND THAT THIS IS A LEGAL DOCUMENT. I HAVE READ AND UNDERSTOOD THIS RELEASE AND I UNDERSTAND ALL ITS TERMS. I EXECUTE IT VOLUNTARILY AND WITH FULL KNOWLEDGE OF ITS MEANING AND SIGNIFICANCE. I HEREBY ASSUME ALL OF THE RISKS ASSOCIATED WITH EQUINE RELATED ACTIVITIES.

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A GUIDE TO SIGNAGE REQUIREMENTS IN THE 50 STATES

Of the 44 states that have Equine Activity Liability Protection Laws as of 2004, most require that a sign be posted in the areas of the Equine Activity (Barns, stables, riding and tacking areas). Most state statutes require the sign to be of a certain size with certain size lettering in certain colors schemes. Signage can be of any material including paper so long as it remains clear and legible even in inclement weather such as covering paper printed signs with a clear plastic slip-on cover.

Several states do not require the signage but it is in the best interest of the Society for Creative Anachronism and the participants if they are given reasonable notice as to the inherent risks of equine activities enjoyed by many society members. This guide is intended to inform the Society Equestrian marshallate of the signage to conform with state laws that specify signage and SCA, Inc. interests in those states that do not.

STANDARD SOCIETY SIGNAGE

For those states do not have Equine Activity Liability Protection Laws or do have such laws and do not require by law to have a sign posted, use the following society standard signage on white background with one-inch high black lettering:

WARNING

Equine Activity is inherently dangerous and equines have: a) the propensity of the animal to behave in ways that may result in injury, harm, or death to persons on or around them; b) the unpredictability of the animal's reaction to outside stimulation such as sounds, sudden movement, and unfamiliar objects, persons, or other animals; c) collisions with other animals or objects; d) or the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.. An equine activity sponsor or 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.

Alabama §6-5-337

Every equine professional and every equine-activity sponsor shall post and maintain signs which contain the warning notice specified. Signs shall be placed in a clearly visible location on or near stables, corrals, or areas where the equine professional or the equine-activity sponsor conducts equine activities. The warning notice specified shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. and shall contain in clearly readable print the warning notice specified as follows:

WARNING

Under Alabama law, an equine activity sponsor or 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, pursuant to the Equine Activities Liability Protection Act.

(continued on next page)

Maine Title 7 §4103-A

Notice of the inherent risks of equine activity may be satisfied either by a statement signed by the person injured or by a sign or signs prominently displayed at the place where the equine activity was initiated. The message on a sign must be in black letters at least one inch in height and the sign or signs must be placed in a clearly visible location on or near stables, corrals or arenas where the equine activity sponsor conducts equine activities. The statement or sign must contain at least the following information.

WARNING

Under Maine law, an equine professional has limited liability for an injury or death resulting from the inherent risks of equine activities.

Maryland

This state has no Equine Activity Liability Protection laws. Use the Standard Society Waiver and the Standard Society Signage.

Massachusetts Title XIX Chapter 128 Section 2D

Every equine professional shall post and maintain signs which contain the warning notice specified and such signs shall be placed in a clearly visible location in the proximity of the equine activity. The warning notice specified shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. The signs shall contain the following notice:

WARNING

Under Massachusetts law, 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, pursuant to section 2D of chapter 128 of the General Laws.

Michigan §691.1666

An equine activity sponsor shall post and maintain signs that contain the warning notice. The signs shall be placed in a clearly visible location in close proximity to the equine activity. The warning notice shall appear on the sign in conspicuous letters no less than 1 inch in height. A sign shall contain substantially the following warning notice:

WARNING

Under the Michigan equine activity liability act, an equine professional is not liable for an injury to or the death of a participant in an equine activity resulting from an inherent risk of the equine activity.

Minnesota §604A.12

A livestock activity sponsor shall post plainly visible signs at one or more prominent

(continued on next page)

locations in the premises where the livestock activity takes place that include a warning of the inherent risks of livestock activity and the limitation of liability under this section. The warning notice specified shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. The signs shall contain the following notice:

WARNING

Under Minnesota law, an equine activity sponsor is not liable for an injury to or the death of a participant in equine activities resulting from the inherent risks of equine activities, pursuant to the Equine Activities Liability Protection Act Section 604A.12.

Mississippi § 95-11-7

Every equine or livestock activity sponsor and every equine or livestock professional shall post and maintain signs which contain the warning notice specified. Such signs shall be placed in a clearly visible location on or near stables, corrals or arenas where the equine or livestock activity sponsor or the equine or livestock professional conducts equine activities or livestock shows. The warning notice specified shall appear on the sign in black letters, with each letter to be a minimum of one (1) inch in height and shall contain the following warning notice:

WARNING:

Under Mississippi law, an equine or livestock activity sponsor or an equine or livestock professional is not liable for an injury to or the death of a participant in equine activities or livestock shows resulting from the inherent risks of equine activities or livestock shows, pursuant to this chapter.

Failure to comply with the requirements concerning warning signs and notices provided in this section shall prevent an equine or livestock activity sponsor or equine or livestock professional from invoking the privileges of immunity provided by this chapter.

Missouri §537.325

Every equine activity sponsor shall post and maintain signs which contain the warning notice specified and such signs shall be placed in a clearly visible location on or near stables, corrals or arenas where the equine activity sponsor conducts equine activities if such stables, corrals or arenas are owned, managed or controlled by the equine activity sponsor. The warning notice specified in this subsection shall appear on the sign in black letters on a white background with each letter to be a minimum of one inch in height. The signs and contracts described in this subsection shall contain the following warning notice:

WARNING

Under Missouri law, 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 pursuant to the Revised Statutes of Missouri.

including but not limited to stables, clubhouses, ponyride strings, fairs and arenas, and persons engaged in instructing or renting equine animals shall post clearly visible signs at one or more prominent locations that shall include a warning regarding the inherent risks of the equine activity and the limitations on liability of the operator, owner, trainer or promoter. The warning notice specified shall appear on the sign in black letters, with each letter to be a minimum of one inch in height, and shall state:

WARNING

Under New Mexico law, an equine activity sponsor or equine professional is not liable for an injury to or death of a participant in equine activities resulting from the inherent risks of equine activities, pursuant to the Equine Activities Liability Protection Act.

New York

This state has no Equine Activity Liability Protection laws. Use the Standard Society Waiver and the Standard Society Signage.

North Carolina Chapter 99 E-3

Every equine professional and every equine activity sponsor shall post and maintain signs which contain the warning notice specified in and the signs required by this section shall be placed in a clearly visible location on or near stables, corrals, or arenas where the equine professional or the equine activity sponsor conducts equine activities. The warning notice shall consist of a sign in black letters, with each letter to be a minimum of one inch in height. The signs shall contain the following warning notice:

WARNING

Under North Carolina law, an equine activity sponsor or equine professional is not liable for an injury to or death of a participant in equine activities resulting exclusively from the inherent risks of equine activities. Chapter 99E of the North Carolina General Statutes.

Failure to comply with the requirements concerning warning signs and notices provided in this Article shall prevent an equine activity sponsor or equine professional from invoking the privileges of immunity provided by this Article. (1997-376, s. 1.)

North Dakota

This state has a State-Specific waiver but use the Standard society signage.

Ohio

This state has a State-Specific waiver but use the Standard society signage.

Oklahoma

This state has a State-Specific waiver but use the Standard society signage.

Oregon

This state has a State-Specific waiver but use the Standard society signage.

Pennsylvania

This state has no Equine Activity Liability Protection laws. Use the Standard Society Waiver and the Standard Society Signage.

Rhode Island §4-21-4

Every equine activity sponsor shall post and maintain signs which contain the warning notice specified. These signs shall be placed in a clearly visible location in the proximity of the equine activity. The warning notice specified shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. The signs described shall contain the following warning notice:

WARNING

Under Rhode Island Law, an equine professional, unless he or she can be shown to have failed to be in the exercise of due care, is not liable for an injury to, or the death of, a participant in equine activities resulting from the inherent risks of equine activities, pursuant to this chapter.

South Carolina §47-9-730

An equine activity sponsor shall post and maintain signs which contain the warning notice specified.. These signs must be placed in a clearly visible location on or near stables, corrals, or arenas where the equine sponsor conducts equine activities. The warning notice specified must appear on the sign in black letters with each letter a minimum of one inch in height. A sign must contain the following warning notice:

WARNING

Under South Carolina law, an equine activity sponsor or equine professional is not liable for an injury to or the death of a participant in an equine activity resulting from an inherent risk of equine activity, pursuant to Article 7, Chapter 9 of Title 47, Code of Laws of South Carolina, 1976.

Failure to comply with the requirements concerning warning signs and notices provided in this section prevents an equine activity sponsor or equine professional from invoking the privileges of immunity provided by this article.

South Dakota §42-11-5

An equine activity sponsor shall post and maintain the sign specified. Such signs shall be placed in a clearly visible location on or near stables, corrals, race tracks, or arenas where

(continued on next page)

the equine professional conducts equine activities. The warning notice shall appear on the sign in black letters, with each letter being a minimum of one inch in height as follows:

WARNING

Under South Dakota law, 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, pursuant to § 42-11-2.

Tennessee §44-20-105

Every equine activity sponsor shall post and maintain signs which contain the warning notice specified. Such signs shall be placed in clearly visible locations on or near stables, corrals, or arenas where the equine activity conducts equine activities if such stables, corrals, or arenas are owned, managed, or controlled by the equine activity sponsor. The warning notice specified shall appear on the sign in black letters, with each letter to be a minimum of one inch (1") in height. The signs shall contain the following warning notice:

WARNING

Under Tennessee Law, 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, pursuant to Tennessee Code Annotated Title 44, Chapter 20

Texas § 87.005

An equine activity shall post and maintain a sign that contains the warning if the equine activity sponsor manages or controls a stable, corral, or arena where the equine activity sponsor conducts an equine activity. The equine activity sponsor must post the sign in a clearly visible location on or near the stable, corral, or arena. The warning posted by an equine professional under this section must be as follows:

WARNING

**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.**

Utah

An equine or livestock activity sponsor shall provide notice to participants of the equine or livestock activity that there are inherent risks of participating and that the sponsor is not liable for certain of those risks. Notice shall be provided by (a) posting a sign in a prominent location within the area being used for the activity; or (b) providing a document or release for the participant, or the participant's legal guardian if the participant is a minor, to sign. The notice provided by the sign or document shall be

sufficient if it includes the definition of inherent risk in Section **78-27b-101** and states that the sponsor is not liable for those inherent risks. Use Society Standard Signage.

Vermont 12 V.S.A. § 1039

An equine activity sponsor may post and maintain signs which contain the warning notice specified in this subsection. Such signs shall be placed in a clearly visible location in the proximity of the equine activity. The warning notice shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. The signs described in this subsection shall contain the following warning notice:

WARNING

Under Vermont Law, an equine activity sponsor is not liable for an injury to, or the death of, a participant in equine activities resulting from the inherent risks of equine activities that are obvious and necessary, pursuant to 12 V.S.A. § 1039. (Added 1995, No. 136 (Adj. Sess.), § 2.)

Virginia

This state has a State-Specific waiver but use the Standard society signage.

Washington

This state has a State-Specific waiver but use the Standard society signage

West Virginia

This state has a State-Specific waiver but use the Standard society signage.

Wisconsin

This state has a State-Specific waiver but use the Standard society signage.

Wyoming

This state has a State-Specific waiver but use the Standard society signage.