

Superseded 5/12/2015

78B-4-202 Equine and livestock activity liability limitations.

- (1) It shall be presumed that participants in equine or livestock activities are aware of and understand that there are inherent risks associated with these activities.
- (2) An equine activity sponsor, equine professional, livestock activity sponsor, or livestock professional is not liable for an injury to or the death of a participant due to the inherent risks associated with these activities, unless the sponsor or professional:
 - (a)
 - (i) provided the equipment or tack;
 - (ii) the equipment or tack caused the injury; and
 - (iii) the equipment failure was due to the sponsor's or professional's negligence;
 - (b) failed to make reasonable efforts to determine whether the equine or livestock could behave in a manner consistent with the activity with the participant;
 - (c) owns, leases, rents, or is in legal possession and control of land or facilities upon which the participant sustained injuries because of a dangerous condition which was known to or should have been known to the sponsor or professional and for which warning signs have not been conspicuously posted;
 - (d)
 - (i) commits an act or omission that constitutes negligence, gross negligence, or willful or wanton disregard for the safety of the participant; and
 - (ii) that act or omission causes the injury; or
 - (e) intentionally injures or causes the injury to the participant.
- (3) This chapter does not prevent or limit the liability of an equine activity sponsor, an equine professional, a livestock activity sponsor, or a livestock professional who is:
 - (a) a veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act, in an action to recover for damages incurred in the course of providing professional treatment of an equine;
 - (b) liable under Title 4, Chapter 25, Estraying and Trespassing Animals; or
 - (c) liable under Title 78B, Chapter 7, Utah Product Liability Act.