

SENATE BILL No. 738

August 18, 2009, Introduced by Senator McMANUS and referred to the Committee on Judiciary.

A bill to amend 1994 PA 351, entitled
"Equine activity liability act,"
by amending section 5 (MCL 691.1665).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. Section 3 does not prevent or limit the liability of
2 an equine activity sponsor, equine professional, or another person
3 if the equine activity sponsor, equine professional, or other
4 person does any of the following:

5 (a) Provides equipment or tack and knows or should know that
6 the equipment or tack is faulty, and the equipment or tack is
7 faulty to the extent that it is a proximate cause of the injury,
8 death, or damage.

9 (b) Provides an equine and fails to make reasonable and

1 prudent efforts to determine the ability of the participant to
2 engage safely in the equine activity and to determine the ability
3 of the participant to safely manage the particular equine. A person
4 shall not rely upon a participant's representations of his or her
5 ability unless these representations are supported by reasonably
6 sufficient detail.

7 (c) Owns, leases, rents, has authorized use of, or otherwise
8 is in lawful possession and control of land or facilities on which
9 the participant sustained injury because of a dangerous latent
10 condition of the land or facilities that is known to the equine
11 activity sponsor, equine professional, or other person and for
12 which warning signs are not conspicuously posted.

13 (d) Commits ~~a negligent~~ **AN** act or omission that constitutes **A**
14 **WILLFUL AND WANTON DISREGARD FOR THE SAFETY OF THE PARTICIPANT, AND**
15 **THAT IS** a proximate cause of the injury, death, or damage.