

EXCERPTS (RELEVANT TO AN TIR) FROM
**THE SCA EQUESTRIAN MARSHAL'S GUIDE TO ADULT EQUESTRIAN
LIABILITY WAIVERS AND SIGNAGE IN THE 50 STATES**
(For the full document go to: <http://www.sca.org/docs/AdultEquestrianWaivers.pdf>)
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,
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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.

Idaho

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

Washington

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