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## States' Equine Activity Statutes: *Arkansas*



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# A National Agricultural Law Center Research Publication

## States' Equine Activity Statutes: Arkansas

### AR Code § 16-120-201—202

*The statutes and Constitution are current through the 2024 regular and special legislative sessions. The statutes are subject to changes by the Arkansas Code Commission.*

#### **AR Code § 16-120-201. Definitions.**

As used in this subchapter, unless the context otherwise requires:

- (1) “Equine” means a horse, pony, mule, donkey, or hinny;
- (2) “Equine activity” means:
  - (A) Equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines, including without limitation dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, pulling, cutting, polo, steeplechasing, endurance trail riding and western games, and hunting;
  - (B) Equine training and teaching activities;
  - (C) Boarding equines;
  - (D) Riding, inspecting, or evaluating an equine belonging to another person regardless of whether the owner receives monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine; and
  - (E) Rides, hunts, or other equine activities, however informal or impromptu;
- (3) “Equine activity sponsor” means an individual or legal entity that sponsors, organizes, or provides facilities for an equine activity;
- (4) “Livestock” means swine, bovine, sheep, and goats;
- (5) “Livestock activity” means the following:



- (A) Grazing, herding, feeding, branding, milking, or other activity that involves the care or maintenance of livestock;
  - (B) A livestock show, fair, competition, or auction;
  - (C) A livestock training or teaching activity;
  - (D) Boarding livestock; and
  - (E) Inspecting or evaluating livestock;
- (6) “Livestock facility” means a property or facility at which a livestock activity is held;
- (7) “Livestock owner” means a person who owns livestock that is involved in a livestock activity;
- (8) “Livestock sponsor” means an individual or legal entity that sponsors, organizes, or provides facilities for a livestock activity; and
- (9) “Participant” means a person, whether amateur or professional, who engages in an equine activity or a livestock activity regardless of whether a fee is paid to participate in the equine activity or livestock activity.

**AR Code § 16-120-202. Liability.**

- (a)
- (1) Except as provided in subdivision (a)(2) of this section, an equine activity sponsor, an employee of an equine activity sponsor, a livestock sponsor, an employee of a livestock sponsor, a livestock owner, a livestock facility, or a livestock auction market is not liable for an injury to or the death of a participant resulting from the inherent risks of an equine activity or a livestock activity.
- (2) Subdivision (a)(1) of this section does not prevent or limit the liability of an equine activity sponsor, an employee of an equine activity sponsor, a livestock sponsor, an employee of a livestock sponsor, a livestock owner, a livestock facility, or a livestock auction market that:
- (A) Provides the equipment or tack and knows or should know that the equipment or tack is faulty to the extent that the equipment or tack caused injury;
  - (B) With respect to an equine activity sponsor, an employee of a equine activity sponsor, a livestock activity sponsor, or



an employee of a livestock activity sponsor, provides the equine or livestock and fails to make reasonable and prudent efforts to determine the ability of a participant to engage safely in an equine activity or a livestock activity or to determine the ability of a participant to engage safely in an equine activity or a livestock activity and to safely manage the particular equine or livestock based on the participant's representation of his or her ability;

(C) Owns, leases, rents, or otherwise is in lawful possession and control of the facility upon which a participant sustains an injury because of a dangerous latent condition that is known or should have been known to the equine activity sponsor, an employee of the equine activity sponsor, the livestock activity sponsor, an employee of the livestock activity sponsor, the livestock facility, or the livestock auction market and for which warning signs had not been conspicuously posted;

(D) Commits an act or omission that:

(i) Constitutes willful or wanton disregard for the safety of a participant; and

(ii) Causes an injury; or

(E) Intentionally injures a participant.

(3) Subdivision (a)(1) of this section does not prevent or limit the liability of an equine activity sponsor, an employee of an equine activity sponsor, a livestock activity sponsor, an employee of a livestock activity sponsor, a livestock owner, a livestock facility, or a livestock auction market under products liability laws.

(b)

(1)

(A) An equine activity sponsor or a livestock activity sponsor shall post and maintain signs that contain the warning notice specified in subdivision (b)(2) of this section.

(B) The signs required under subdivision (b)(1)(A) of this section shall be placed in a clearly visible location on or near stables, corrals, or arenas where the equine activity sponsor or livestock activity sponsor conducts an equine activity or livestock activity.



(C) The warning notice specified in subdivision (b)(2) of this section shall appear on the sign in black letters with each letter to be a minimum of one inch (1") in height.

(2) The signs described in subdivision (b)(1) of this section shall contain the following warning notice:

**WARNING**

Under Arkansas law, an equine activity sponsor, livestock activity sponsor, livestock owner, livestock facility, and livestock auction market are not liable for an injury to or the death of a participant in equine activities or livestock activities resulting from the inherent risk of equine activities or livestock activities.

(c) The immunity provided under this section does not apply to thoroughbred horse racing as authorized and regulated in the Arkansas Horse Racing Law, § 23-110-101 et seq.

