

## **MINUTES**

### **MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By Sen. Bill Yellowtail, on January 20, 1993, at 10:00 a.m.

#### **ROLL CALL**

**Members Present:**

Sen. Bill Yellowtail, Chair (D)  
Sen. Steve Doherty, Vice Chair (D)  
Sen. Sue Bartlett (D)  
Sen. Bob Brown (R)  
Sen. Bruce Crippen (R)  
Sen. Eve Franklin (D)  
Sen. Lorents Grosfield (R)  
Sen. Mike Halligan (D)  
Sen. John Harp (R)  
Sen. David Rye (R)  
Sen. Tom Towe (D)

**Members Excused:** Sen. Blaylock

**Members Absent:** NONE

**Staff Present:** Valencia Lane, Legislative Council  
Rebecca Court, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: SB 124  
SB 140  
Executive Action: NONE

#### **HEARING ON SB 124**

**Opening Statement by Sponsor:**

Senator Van Valkenburg, District 30, said that SB 124 simplifies the procedure of how lost property can be disposed. SB 124 deletes the provision on how the public is notified about a sale. SB 124 provides protection for holding a public sale without having to go through the process of advertising.

**Proponents' Testimony:**

Adriene Kieh-Cronn, Bicycle Coordinator for the City of Missoula,

told the Committee that storing lost or stolen bicycles is labor intensive and trying to locate an owner is costly. Ms. Kieh-Cronn supports Senator Van Valkenburg in removing the law from SB 124.

**Opponents' Testimony:**

NONE

**Questions From Committee Members and Responses:**

NONE

**Closing by Sponsor:**

Senator Van Valkenburg closed.

**HEARING ON SB 140**

**Opening Statement by Sponsor:**

Senator Rea, District 38, said that SB 140 is an act defining the legal responsibility of participants in equine activities. SB 140 addresses the inherent risk associated with handling a horse and certain circumstances under which a person responsible for equines may be found liable for persons harmed in the course of an equine activity. SB 140 simply defines the risk and responsibilities of both parties involved in equine activities.

**Proponents' Testimony:**

Pat Melby, Montana Horse Council, said that horseback riding and other equine activities attract people from all over the world to Montana to participate because it is an enjoyable activity, but it is not without risk to participants. The owners fear being liable for injuries involved in equine activities even if the injury was not caused by negligence. This has resulted in decreased accessibility to liability insurance and higher insurance premiums. The purpose of SB 140 is similar to the skiers and snowmobilers responsibilities act in that it defines the responsibilities of equine activity sponsors and participants. The sponsor could still be liable for negligence, but participants would be responsible for injuries that are caused by risks that are inherent in that activity. Mr. Melby explained the amendments. (Exhibit #1)

Representative Tim Sales, District 61, told the Committee that horses have been part of Montana heritage for a long time and passing SB 140 would keep horses a part of that heritage.

Representative Stovall, District 98, told the Committee about the expense in getting insurance for the Centennial Cattle Drive. Representative Stovall said that it is imperative to pass SB 140 so equine activity will not be restricted. (Exhibit #2)

Representative John Rose, District 11, told the Committee that horses are a prime tourist attraction in Montana. Representative Rose supports SB 140.

Senator Mesaros, District 21, read from prepared testimony. (Exhibit #3)

Representative Swanson, District 79, supports SB 140.

Les Graham, Montana Horse Council, supports SB 140.

Candace Torgerson, Montana Stock Growers, Montana Wool Growers Association read from prepared testimony. (Exhibit #4)

Jamie Doggett, Montana Cattlewomen, supports SB 140. Ms. Doggett told the Committee that the money earned by the Great Centennial Cattle Drive goes toward scholarships. With the passage of SB 140, the cattle drive would be easier and more successful.

Cort Just told the Committee that because of the liability of the owners it is impossible to let people help at a ranch. Mr. Just supports SB 140.

Ron Skinner, Bitterroot Team Runners, told the Committee that with the passage of SB 140 Montana could promote the event of Team Running.

Brad Griffiths, Montana Horse Council, read from a letter supporting SB 140. (Exhibit #5)

Erin Ferrie told the Committee that horses are a big part of childrens lives. Ms. Ferrie supports SB 140.

Robert L. Schaap, Lone Mountain Ranch, read from prepared testimony. (Exhibit #6) Submitted letters from insurance companies. (Exhibit #7, Exhibit #8)

Kate Ferrie told the Committee that horses are therapeutic to people who are emotionally disturbed and because of the high liability insurance those people are not able to work with horses. Ms. Ferrie stands in support of SB 140.

Sierra Johnson, Last Chance Stampede, supports SB 140.

Jim Jones, Last Chance Stampede, told the committee that equine activities bring in an excess of one billion dollars a year. Mr. Jones said SB 140 needs to pass for the economy in Montana.

Sarah Bowles, Montana State 4-H Ambassador, read from prepared testimony. (Exhibit #9)

Joanna Schnur submitted a letter in support of SB 140. (Exhibit

#10)

John Lumberg, Montana Farm Bureau, support SB 140.

John Vandenacre, Big Sky Horse Leasing, read from prepared testimony. (Exhibit #11)

Steve Eastman, Montana Professional Horseshoers Association Incorporated, read from prepared testimony. (Exhibit #12)

Orwell Walker, Montana Back Country Horsemen, support SB 140.

Douglas Hammill read from prepared testimony. (Exhibit #13)

Gail Brockbank, Montana Promotion Division of the Department of Commerce, told the Committee that SB 140 has an important role in the promotion of Montana as a vacation destination.

Larry Homquist, Eagle Mount, read from prepared testimony. (Exhibit #14)

Jackie Holmgren, Montana Cutting Horse Association, supports SB 140 because it would keep costs down and generate revenue to the state of Montana.

Kelly Flynn, Montana High Country Cattle Drives, read from prepared testimony. (Exhibit #15)

Russ Ritter, Washington Corporation, urges support in SB 140.

Shelley Mackay, Fallon County 4-H Horse Project Leader, urges support in SB 140.

Jean Johnson, Montana Outfitters and Guides Association, told the Committee that horses are essential in the outfitting industry. Ms. Johnson urges support in SB 140.

Donna Johnson, Great Falls All Breeds Horse Show Committee, read from prepared testimony. (Exhibit #16)

Jesse Armitage, Flying D Ranch, told the Committee about the Flying D Ranch. Mr. Armitage said that there is no way to protect oneself from liability resulting from an injury caused by equine activities. Mr. Armitage supports SB 140.

Bill Patten, Montana Medical Veterinarian Association, endorses SB 140 with amendments to Section 2 talking about limited liability. Mr. Patten feels medication should be added in Section 2.

Gaylynn Wagner, Hylander Walker Ranch, Montana Horse Council, read from prepared testimony. (Exhibit #17)

Al Lien read from prepared testimony. (Exhibit #18)

Mike Wagner, Horse Breeder, submitted a letter from an insurance agency regarding similar legislation in Colorado. (Exhibit #19)

Sandra Jankowski read from prepared testimony. (Exhibit #20)

Doug Averill, Flathead Lake Lodge, Lost Trail Ranch, is in strong support of SB 140 which clarifies the assumption of risk of the participants. This type of legislation in other states has proved to have many benefits and has provided stability in the equine industry. Equine legislation in Montana will open up new insurance markets, reduce rates, eliminate nuisance suits, and enable Montana to compete with other states in equine activities. Mr. Averill encourages support of SB 140.

Ellen Hargrave, read from prepared testimony. (Exhibit #21)

**Opponents' Testimony:**

Representative Howard Toole, District 60, said that current law already maintains the principal interest of SB 140. Under the present law litigation over personal injuries are based upon negligence. Also, plaintiffs that are injured must prove a violation of a duty of reasonable care that the defendant failed to meet. Rep. Toole said that there is no proof that insurance rates will decrease with the passage of SB 140. SB 140 does not allow for a person to recover for damages from injuries sustained when there is negligence on the part of the equine sponsor.

Russell Hill read from prepared testimony. (Exhibit #22)

**Questions From Committee Members and Responses:**

Senator Towe asked Pat Melby about the amendment that describes veterinarian and farrier services as activities. Mr. Melby replied that veterinarians and farriers are equine activity sponsors and professionals. Clients sometimes assist veterinarians and farriers with duties that sometimes involve an element of danger of becoming injured.

Senator Towe asked Mr. Melby about who the amendment would protect. Mr. Melby said the amendment to include farriers and veterinarians is intended to define the responsibility of the individual who is participating in helping those persons. Mr. Melby feels the section regarding vets and farriers went too far and should be included under the same guidelines as other professional providers of equine activities.

Senator Towe asked Mr. Melby about the protection of employees. Mr. Melby said that the owners as well as the employees are protected.

Senator Towe asked Mr. Melby about page 4, line 15 through line 18. Mr. Melby said the intent is to protect the equine

professional or sponsor from injury caused by the negligence by another participant.

Senator Towe questioned Mr. Melby about restating contributory negligence. Mr. Melby said that regarding recreational activities, regardless of the common law principals of negligence, people offering equine activities are held liable even when they are not negligent.

Senator Towe told Mr. Melby that by calling contributory negligence a risk, it could be counterproductive for the people SB 140 is trying to protect. Mr. Melby told Senator Towe he would propose an amendment to clear up the language.

Sen. Towe asked Mr. Melby about lines 12 and 13 on page 4. Mr. Melby said that by participating in equine activities, a person would have to expect known hazards on the ground. If a horse has been matched properly to the ability of the rider and the rider has been advised of hazards, then the sponsor who is providing the horse should be not be liable for how the horse reacts.

Senator Crippen asked Mr. Hill about the liability of a sponsor if negligent. Mr. Hill said that Section 3 says that once an outfitter qualifies as an equine activity sponsor, they would not be liable for an injury or death to a participant engaged in equine activities.

Senator Crippen asked Mr. Hill about the owner's liability pertaining to food poisoning. Mr. Hill replied that common law would penalize food poisoning as negligence.

Senator Doherty asked Mr. Melby about recovery from an accident that occurs in an area that an owner has allowed for public use, but the owner is not present at the time of the accident. Mr. Melby said there would be recovery because the situation would not be controlled by a provision in SB 140. Allowing people to enter into an area creates an attractive nuisance, which is an inherent risk. There is no protection in SB 140 from negligence, only if the activity involves inherent risk. An individual who creates an attractive nuisance is negligent.

Senator Doherty asked Mr. Melby about paid activities involving equine activities. Mr. Melby said that an equine professional has to make a reasonable and prudent effort to determine the ability to match a horse with a participant. If the sponsor or professional does not determine the ability of the participant, the sponsor could be held liable for injuries.

Senator Doherty asked Mr. Melby whether a sponsor or professional could be held liable to a third party. Mr. Melby said that without a contract between two parties, he did not know if the sponsor would be held liable.

Senator Doherty asked Roger McGlenn, Executive Director of the

Independent Insurance Agents Association of Montana, about liability insurance. Mr. McGlenn told the Committee there is no guarantees that insurance rates would go down if SB 140 passes. (Exhibit #23)

Senator Doherty asked Mr. Hargrave about whether the standard of care of outfitting companies would drop if SB 140 passes. Leo Hargrave told the Committee with this type of legislation in other states it has increased the awareness of liability. (Exhibit #24)

Senator Towe asked Mr. Hill about inherent risk. Mr. Hill replied that risks may be both inherent and avoidable. Falling off a horse is an inherent risk, but it is eminently avoidable. Mr. Hill suggested substituting the words "avoidable" or "unforeseeable."

Senator Towe asked Mr. Melby about the standard of care with the passing of SB 140. Mr. Melby told the Committee that states with this type of legislation feel it has made sponsors of equine activities more aware of risk management. The legislation makes participants aware of risks and how to manage them. Mr. Melby said that owners will have a high safety standard because of the value of the horses.

Senator Towe asked Mr. Melby about the person who is injured because of negligence. Mr. Melby replied that if there is negligence on behalf of the sponsor of an equine activity, it is different than something that was caused by an inherent risk. SB 140 protects the sponsor from a risk that cannot be controlled.

Senator Towe asked Mr. Melby about page 5. Mr. Melby said that SB 140 would not exonerate a sponsor from liability if negligent, but only from the inherent risks.

Senator Towe asked Mr. Melby if a sponsor could use inherent risk as a defense. Mr. Melby said that a sponsor could use inherent risk as a defense. A plaintiff's lawyer could argue the exception that even though it was an inherent risk the sponsor was negligent in how the person was matched with the horse, and therefore be held liable for negligence.

**Closing by Sponsor:**

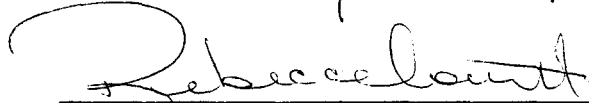
Senator Rea said that the purpose section of SB 140 defines inherent risk. Senator Rea also stated the concerns of sponsors of equine activities are real and address the availability of equine activities and our economy.

ADJOURNMENT

Adjournment: 12:01 p.m.



BILL YELLOWTAIL, Chair



REBECCA COURT, Secretary

BY/rc



# ROLL CALL

SENATE COMMITTEE

Judiciary

DATE

1-20-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Yellowtail	X		
Senator Doherty	X		
Senator Brown	X		
Senator Crippen	X		
Senator Grosfield	X		
Senator Halligan	X		
Senator Harp	X		<del>X</del>
Senator Towe	X		
Senator Bartlett	X		
Senator Franklin	X		
Senator Blaylock			X
Senator Rye	X		

F08

Attach to each day's minutes

Amendments to Senate Bill No. 140  
First Reading Copy (white)

For the Montana Horse Council

January 19, 1993

1. Title, lines 4 and 5

Following: " AN ACT "

Strike: remainder of line 4 through "FOR" on line 5

Insert: DEFINING THE LEGAL RESPONSIBILITY OF PARTICIPANTS  
IN EQUINE ACTIVITIES,

2. Title, line 6

Strike: "REPEALING SECTION 27 - 1 - 733, MCA;"

3. Page 1, lines 11 and 23.

Page 2, line 1.

Page 6, line 22.

Strike: "4"

Insert: "3"

4. Page 2, line 4.

Following: "unmounted"

Insert: "or to otherwise participate in an equine activity

5. Page 2, lines 7 through 9.

Following: "activity"

Strike: remainder of line 7 through "equine" on line 9

6. Page 3, line 2.

Strike: "and"

7. Page 3, line 5.

Strike: "."

Insert: "; and"

8. Page 3, line 6

Following: line 5

Insert: "(f) providing veterinary or farrier services."

9. Page 3, line 7

Strike: "or"

Following: "corporation,"

Insert: "or other entity,"

10. Page 3, line 11

Following: "riding clubs;"

Strike: "schools - and college-sponsored"

Insert: "riding"

MONTANA LEGISLATURE COMMITTEE

1

1-20-93

SB140

11. Page 3, line 14.  
Strike "fairs"

12. Page 4, lines 21 through 23  
Following: "(3), on line 21  
Strike: remainder of line 21 through "activity" on line 23  
Insert: "a participant must accept all legal responsibility  
for injury or damage of any kind to the extent that the  
injury or damage results from risks inherent in  
equine activities."

Page 4, line 24  
Following: line 23  
Insert: "An equine participant shall act in a safe and  
responsible manner at all times to avoid injury to the  
participant and others and to be aware of the inherent  
risks of the sport."  
Renumber: subsequent subsections

13. Page 5, line 25 through page 6, line 20.  
Strike: sections 4, 5, and 6 in their entirety  
Renumber: subsequent sections

14. Page 6, line 22  
Strike: "4"  
Insert: "3"  
Renumber section

## CAL WINSLOW

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4608 BOX CANYON SPRGS.  
BILLINGS, MT 59101

(406)259-2652 HOME  
(406)657-4670 WORK  
(406)245-5854 FAX

Senator Bill Yellowtail  
Chairman, Judiciary Committee  
Capital Station  
Helena, Montana  
59620

Dear Senator Yellowtail,

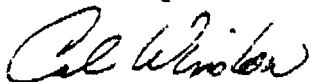
I would very much like to be with you today to appear in person to testify in favor of SB 140 entitled the Horseman's Safety Act. In a state like Montana where there are so many activities both recreational and professionally where horses are used I believe this bill needs consideration and passage.

I had first hand experience with this problem while serving as a volunteer attempting to organize the Great Montana Centennial Cattle Drive. I believe that in most people's minds the Cattle Drive was the greatest celebration of the centennial year. However, the "Drive" almost didn't take place because of the unavailability of liability insurance and the cost of such insurance when found. The "Drive" was a total volunteer activity with the purpose to celebrate our centennial and raise money for scholarships for rural youth. The reality of the cost of liability insurance made the decision to complete the event a difficult decision for those of us on the Latino Board of Directors. Eventually, we bit the bullet and obligated ourselves to insurance that cost \$40,000 which obviously came off the bottom line of funds raised for scholarships.

In Montana where there are so many activities where people enter into activities at their own choice involving horses I believe passage of S 140 is important. I strongly seek your favorable passage of this act.

Thank you for your consideration of this matter.

Sincerely,



Cal Winslow

1  
2  
1-20-93  
SB140



# MONTANA STATE SENATE

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January 8, 1993

Montana Horse Council

To Whom It May Concern:

I want to relay a personal experience that occurred on my ranch that may relate to pending legislation.

Several years ago when we were branding calves, I had several friends attend to watch the associated activities. After all the work was completed one of these "friends", without permission from me, placed his young daughter on one of my ranch horses. She didn't know how to ride. The result was that the girl fell off and the horse accidentally stepped on her creating serious injury to her lower leg.

After some major medical bills accumulated, the "friend" who wasn't even invited and the one who placed the girl on the horse without permission, acquired a lawyer and with a lawsuit pending, my insurance compensation settled out of court. This did not result in out-of-pocket expense for me, yet it undoubtedly increases insurance premiums.

I hope this experience will help in testimony in pending legislation.

Respectively submitted,

A handwritten signature in cursive script that reads "Senator Ken Mesaros".

Senator Ken Mesaros

SENATE CLERK  
JAN 13 1993

3  
1-20-93  
SB 140

TESTIMONY  
FOR SENATE BILL 140  
AN ACT DEFINING THE LEGAL RESPONSIBILITY OF  
PARTICIPANTS IN EQUINE ACTIVITIES

INTRODUCED BY SENATOR JACK REA

Submitted by  
Montana Stockgrowers Association and  
Montana Wool Growers Association  
by Candace Torgerson

SENATE JUDICIARY COMMITTEE  
Wednesday, January 20, 1993

Mr. Chairman, members of the Committee, for the record my name is Candace Torgerson, and I am providing testimony on behalf of the Montana Stockgrowers Association and the Montana Wool Growers Association regarding Senate Bill 140.

The Montana Stockgrowers and the Montana Wool Growers support Senate Bill 140.

Many of the members of both associations own horses and are involved in activities that use horses. Horses are used in ranch work, as well as for pleasure riding. Ranchers recognize that there is a certain amount of risk inherent in equine activities, and for the most part, so do their guests.

This bill would allow ranchers to share their horses and arenas with individuals who would like to enjoy those resources. Without the protection of this bill, ranchers are fearful of lawsuits and the legal costs related to them which could result from an accident involving their horses.

The Montana Stockgrowers Association and the Montana Wool Growers Association request a "do pass" on Senate Bill 140.

Thank you.

4  
1-20-93  
SB140

**Hoiness LaBar Insurance, Inc.**

2323 2ND AVENUE NORTH - P.O. BOX 30638

BILLINGS, MT 59107-0638

(406) 245-6511 • FAX (406) 245-9887

January 15, 1993

5  
1-20-93  
SB140

Senate Judiciary Committee  
Legislature of The State of Montana  
Helena, MT 59601

RE: Bill #LC19

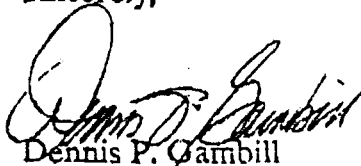
Gentlemen:

I have reviewed the draft copy of Bill #LC 19. "An Act limiting tort liability for equine activity sponsors and equine professionals."

Passage of this bill will certainly allow for broader availability of proper insurance coverage and more realistic costs for those involved in equine activities and equine professionals. Please give your support to passage of Bill #LC19.

Thank you.

Sincerely,



Dennis P. Gambill

Regional Bond Administrator/  
Account Executive

DPG/df



# LONE MOUNTAIN RANCH

P.O. Box 160069 • Big Sky, MT 59716  
Phone (406) 995-4644 • FAX (406) 995-4670

## TESTIMONY OF ROBERT L. SCHAAP, LONE MOUNTAIN RANCH-BIG SKY PERTAINING TO SENATE BILL 140 JANUARY 20, 1993

The business climate in Montana is harsh. Hostile-to-business Montana laws unreasonably increase the cost of doing business in our state, thus placing our business community at a competitive disadvantage with other states. To earn comparable profits, Montana businesses often have to charge their customers more than their competition in other states to provide the same service. Equine liability is one of several areas in which Montana businesses such as mine are at a substantial disadvantage.

Falling from a horse in Montana is like winning the national lottery! One of our guests fell from a stopped, perfectly behaved horse two years ago and broke her hip. To avoid court costs, our insurance company settled with this woman for \$27,113 even though we were, in no way, negligent! She even had personal health insurance that covered much of her costs. Suits and settlements, such as this, where no negligence is involved, add to the cost of liability insurance paid by every horse-related business. Our liability insurance last year was \$28,185 which is a very major operating expense. High insurance costs, resulting from liberal liability laws, are passed on to the customer in the form of higher prices. Higher insurance prices in Montana make it difficult to compete with similar businesses in states like Colorado with more balanced liability laws.

I urge you to help level the business playing field. Pass Senate Bill 140 and take a big step toward making Montana a better place to do business.

Thank you for your consideration.

*Robert L. Schaab*

4  
1-20-93  
SB140



# THE SWALES AGENCY

## INSURANCE • ALL LINES



January 18, 1993

Robert Schaap  
Lone Mountain Ranch  
P.O. Box 69  
Big Sky, Montana 59716

Regarding: Horse Liability Law

Dear Bob:

When Colorado passed it's horse liability act, it certainly gave leeway to extra benefits for people in the horse business. It also encouraged insurance companies to peruse lower rates. One of the many benefits we have derived from the Colorado law, has been that it enables us as an agency to write our preferred ranches and horse related businesses with a standard insurance market, not only does this give each insured more comprehensive coverage, but in our case, we have a guarantee that this market will stay in this type of business for 5 years. (We are on our second term of a 5 year commitment, needless to say, by having a well structured horse liability law, it certainly would give each insured more stability with his insurance needs.) In addition, the Colorado law seems to have done away with a lot of nuisance claims.

I want to wish you the best of luck in obtaining some type of legislation that will benefit your industry.

Sincerely,

Maureen Gray  
President

MG/jr

RECEIVED  
DATE 1-20-93  
BILL NO. SB140

# GILLINGHAM & ASSOCIATES, INC.

January 15, 1993

Mr. Robert Schaap  
Lone Mountain Ranch  
North Forkland Road  
BIG SKY MT 59716

RE: EQUINE ACTIVITIES - LEGISLATIVE DECLARATION - EXEMPTION FROM  
CIVIL LIABILITY

Dear Bob:

Gillingham & Associates, Inc. has recently completed a liability insurance program for outfitters, guides and dude ranches, kicking off in thirteen states February 1st. The insurance company providing coverage is the Gulf Insurance Company, Best rated A+8 and in terms of size, one of the top 25 insurance companies in the U.S.

Designing a specialty insurance program for your industry has taken nine months and hundreds of man hours. The research involved was extensive. As you have experienced, insurance companies are not standing in line to underwrite equine activities. I have interviewed several hundred outfitters, guides and dude ranch owners, and have heard the same statement as many times: "When you put a green rider on a 1200 pound animal that by its very nature is a flight animal in lieu of a fight animal, accidents can and will occur. The majority of accidents are not a result of negligence but of circumstances that may cause the animal to react in such a way to injure its rider."

Several states have passed laws limiting liability related to equine activities. The Colorado law has resulted in the reduction of insurance rates for outfitters, guides and dude ranches in Colorado and has increased the availability of coverage in Colorado. When I underwrite an identical risk in Colorado verses Montana, it goes without saying that I prefer the Colorado risk and will offer better terms, conditions and rates as a result of the new Colorado law.

As a Program Manager, underwriting equine activities on behalf of insurance company, I can factually state that a law such as Colorado 13-21-117, introduced to Montana, will reduce insurance rates and increase the number of insurance companies competing for your and your industries business.

Sincerely,

  
Thomas S. Gillingham

SENATE AGRICULTURE COMMITTEE  
8  
DATE 1-20-93  
FILE NO. SB140

TSG:mcw

601 Hwy. 12  
Townsend, Mt. 59644  
January 20, 1993

Senate Judiciary Committee  
Helena, Mt.

RECEIVED  
JAN 20 9 11 AM '93  
SEN. JUD. SB140

Honorable Members of the Senate Judiciary Committee:

I am submitting this testimony concerning Senate Bill #140 which addresses the limitations of tort liability for equine activity sponsors. I feel that you should support this bill for the following reasons.

I am a sixteen year old 4-H ambassador. For the last ten years of my life I have been involved in numerous horsemanship activities and have coordinated the Horsemanship program in Broadwater County for the last three years. In December, I attended National 4-H Congress where I was one of forty-two teens in the nation to represent all the individuals in the 4-H Horsemanship Project. In the years that I have acted as a leader for this project, I have sponsored O-mak-sees, trail rides, training workshops, and shows for the younger members in the 4-H program. Not only have I gained valuable knowledge in taking on this task, but the 4-H members I have reached are also better people because of the nearly 100 hours we spend together learning about and enjoying our horses.

I feel that equine sponsors in Montana should be able to spread their love of horses without the threat of a law-suit from an individual taking part in the activities. Although horses are wonderful, there is a known risk when a person willingly comes in

contact with the animals. This risk should not place liability in the hands of the owner or sponsor.

Horses are a part of our Montana culture and history. Please help us to keep with tradition and vote in favor of protecting not only equine sponsors, but a part of our heritage.

Thank you for your time and consideration.

Sincerely,

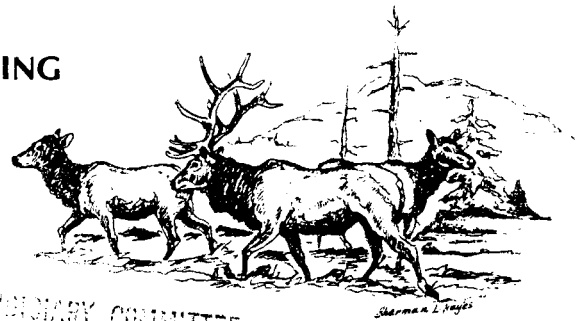
Sarah Bowles

Montana State 4-H Ambassador

# MONTE'S GUIDING & MOUNTAIN OUTFITTING

LaMonte J. Schnur  
16 North Fork Road  
Townsend, Montana 59644  
406-266-3515

January 20, 1993



SENATE JUDICIARY COMMITTEE

FILED 10  
JAN 20 1993  
SENATE SB 140

Senate Judiciary Committee

Re: SB 140

Honorable Members of the Committee:

This letter is to inform you of our support for Senate Bill 140. The high cost of insurance and the fear of lawsuit are discouraging equestrian activities from occurring under the supervision or direction of responsible and knowledgeable horsemen.

Our community has an active 4-H program, a roping club, a rodeo and fair association, and a saddle club. These groups of volunteer horsemen put themselves financially at risk in engaging in wholesome and healthy activity involving horses. SB 140 would relieve them of this risk, by involving the riders in these groups' activities in the risk of injury inherent in working around livestock.

The Helena YMCA had to drop horseback riding at its camps a few years ago because the cost of insurance was prohibitive. What a shame that children attending Y camp have lost the opportunity to learn safe horsemanship in a safe environment because of the cost of insurance!

We in the outfitting industry are also taxed with extra insurance costs because of our use of horses. Industry-wide, there are few claims in comparison to the many hours of horseback ridden, but that five-letter word H-O-R-S-E automatically kicks insurance rates up, regardless of the insured's record of safety.

Senate Bill 140 will relieve Montanans of an unfair insurance burden and threat of financial ruin, while allowing safe, responsible horseback recreation.

Sincerely,

*Monte*  
Mary Ellen Schnur  
LaMonte & Mary Ellen Schnur





BIG SKY HORSE LEASING  
John & Donna Vandenacre

1292 Oro Fino  
Helena, MT 443-75

Mr. Chairman and Members of the committee

I am John Vandenacre, owner of Big Sky Horse Leasing here in Helena.

I lease horses to Outfitters and Guest Ranches and individuals for Pack Trips and we also conduct trail rides.

I rise in support of SB 140 simply because of it's practicality. We have been in business for 3 years and we never can be certain of what our responsibilities are. We always do our best to match horse with rider, however there are other factors we are not sure of. Whose responsibility is it to determine riders experience or sense of balance and who is responsible for town dogs or bicycle riders sneaking up behind an unsuspecting horse. I believe this bill goes a long way toward defining responsibility.

The most common complaint I get from tourists is "I can't believe we are in Montana and it's so hard to find a place to ride horses."

Horses are a part of Montana's heritage and anything that can be done to promote their use, safety for both horse and rider, and careful handling by horse owners and users, should be done.

I believe this bill does that and I strongly urge your support of SB 140.

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SENATE JUDICIARY COMMITTEE  
ENCL NO. 11  
DATE 1-20-93  
BILL NO. SB140

To Whom It May Concern

Jan 14 1992

This Letter is in Regards to S.B. 140  
(The Horseman's Safety Act). I Support The  
Bill, I have Been a Full Time Farrier in  
the Great Falls Area for 23 years. I  
am President of the Montana Professional  
Horseshoers Assn. Inc. and am on the  
Board of Directors of the American Farriers  
Assn. of which we are a Chapter Member

I have been in contact with the  
membership of the M.P.H.A. and we as a  
Professional Organization Support this  
Bill as it has been written.

Sincerely

Steve Eastman

President M.P.H.A. Inc

Montana Professional  
Horseshoers Assn. Inc.  
32 Windsor Lane  
Great Falls, MT 59404

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1-20-93  
SB140

## OLD WEST ADVENTURES

January 20, 1993

Ladies and Gentlemen of the Montana Senate:

Horses have been my lifelong passion and the subject of my three rewarding careers in Montana - veterinarian, equine and horse farm consultant, and operator of the horse activities and old west programs at The Big Mountain Ski and Summer Resort in Whitefish. Currently, we transport around 10,000 guests a year with trail and pony rides, and horsedrawn wagons and sleighs at The Big Mountain.

I come to you today in support of senate bill 140 as a representative of many Montana horse professionals and individual horse owners. 100% of Montana horse people that I have talked with about this bill support it, want it, and need it.

Horse owners and professionals in Montana currently face risks and liability that are undefined, inequitable, and which must be shared by those who want to participate in equine activities. This suppresses the enthusiasm, growth, development and economy of our industry. It promotes a negative, fear-of-unreasonable-lawsuit atmosphere. Senate bill 140 clearly and thoroughly defines and balances each party's risks and responsibilities in a realistic and equitable way.

I can assure you that the majority of people engaging in equine activities as participants in Montana are willing to assume their reasonable share of the inherent risks and responsibility. They want freedom of choice to select from a greater array of horse activities. In addition to Montana residents, they come to us from all over the world (all 50 states and over 30 foreign countries in my business alone) and they want to experience Montanas western heritage. To most that means, among other things, horses. They return year after year, they become better riders, they want more advanced horse experiences as they progress. Many simply want to ride at the level they do with their own horses at home.

However, options are currently limited. Although horse owners and providers are very willing to accept reasonable risks and liabilities, many are unable or unwilling or uncomfortable accepting risks and liability that go so far beyond what they can influence and control. No matter how good a job we do, how careful we are, how good our horses and equipment are, we cannot avoid unrealistic claims.



It is especially tragic that many qualified horsemen and women and certified instructors are afraid to share their knowledge, skills and expertise because of the level of liability, risk and insurance rates they currently face. Horse programs which compare to hunter safety and drivers training are therefore suffering. With willing instructors such programs have the potential to improve safety records, reduce accidents and create a new generation of horse experts.

The ski industry has legislation comparable to Senate bill 140 which has reduced unrealistic claims (and the associated wasted resources, money and court time), softened insurance rates and led to expanded insurance choices and sources. Comparable horse liability legislation in Colorado and other western states has resulted in the same positive results for horse owners, providers and participants in those states.

Senate bill 140 can give all parties the same advantages in Montana. Horse people on all levels want it and need it. It is well researched, well written, fair-to-all-parties legislation. I implore you to approve Senate bill 140.

Respectfully,

Douglas Hammill D.V.M.

A handwritten signature in black ink that reads "Douglas Hammill D.V.M." The signature is written in a cursive, flowing style.

NAME LARRY L. LINDEN - Director Eagle Mount

ADDRESS 6901 GOLDENSTEIN LANE - BRZEMAN 597

HOME PHONE 586-1294 WORK PHONE 586-1781

REPRESENTING EAGLE MOUNT - HANDICAPPED RIDING PROGRAM

APPEARING ON WHICH PROPOSAL? S.B. 140

DO YOU: SUPPORT ✓ OPPOSE        AMEND       

COMMENTS:

We have a handicapped riding program  
which work extensively with volunteers  
and people who are disabled. The  
liability risks are great but the benefits  
are even greater. We need relief and  
protection to make our program work.

14

1-20-93

SB 140

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

For Ellen Hargrave

My name is Kelly Flynn and I am here representing Montana High County Cattle Drives Inc. We are a group of ranchers and outfitters from Broadwater County who decided to pitch in together to run two cattle drives. We started inquiring in the fall prior to our June drives about acquiring insurance. Early that fall, we had an insurance quote of around \$2,200. for \$500,00 in liability insurance. Several months later we went to fill in the details and pay for the insurance and the insurance cost quote was \$7200. We thought that was a little high for our 31 clients and we did alot of investigation into alternate insurance choices. We finally were able to obtain insurance from another carrier for just over \$5200. Is that high? We feel that this insurance cost is excessive and we support this legislation which will hopefully lower these costs.

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1-20-93  
SB140

16  
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SB140

NAME Danna Johnson

ADDRESS 1046 Brigman Rd Belt MT 59412

HOME PHONE 738-4306 WORK PHONE 455-5770

REPRESENTING Johnson Ranch

APPEARING ON WHICH PROPOSAL? SB 140

DO YOU: SUPPORT X OPPOSE        AMEND       

COMMENTS:

We are ranch owners and "honor person" this bill  
is very important to me and my family. We  
live in fear, hoping that our family don't  
get hurt when riding on our ranch, or that  
some one stopping by the road to get one of our  
horses won't get kicked.  
I'm a member of the Great Falls Hill Country  
show club that puts on a show every  
year this bill is important to me. The cost  
of mounting an owner is very high. If we  
do get an answer very lucky, because  
most people are afraid to let people ride  
on their property.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

# DIAMOND N RANCH

ROCKY MOUNTAIN EQUESTRIAN CENTER

FAX 406-652-6013

BOB AND PENNI NANCE

406-656-5912 OR 406-652-7191

January 19, 1993

RECEIVED  
17  
1-20-93  
SB140

To WHom It May Concern:

I would like to speak in favor of bill #LC19 which is "An act limiting tort liability for equine activity sponsors and equine professionals."

I represent the Diamond N Ranch and the Rocky Mountain Equestrian Center. Our facility is the designated location for the Rocky Mountain College Equestrian Program as well as a private training business. In addition we sponsor numerous clinics, special events, summer camps, as well as a lesson program.

In the years that we have been in business, we have never had a serious accident with any of our programs. The horses that are used in the various programs at the ranch are screened very carefully, but equally as important are the caliber of our instructors.

We searched for almost two years to find an affordable insurance policy that would cover the clinics, special events, summer camps and our lesson program. Rates that we were quoted for our activities ranged from \$7000.00-\$20,000.00 for a yearly premium.

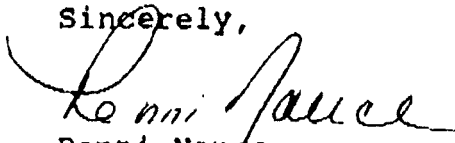
Many small equine professionals operate without adequate insurance simply because they cannot afford the premiums. This does not protect either the professional or the general public.

There are inherent risks involved in riding horses as well as working around them. LC #19 defines the fact that "there are dangers or conditions that are an integral part of equine activities and defines those conditions." Perhaps even more importantly, this bill has a provision that specifically allows the participant in an equine activity adequate recourse if the activity

sponsor or professional has been negligent and again defines those conditions. It is my feeling that LC#19 protects both the consumer and the equine professional.

Montana is truly the "Last Best Place", and horses are part of that mystique. It is my feeling that LC#19 is a tremendous benefit for the equine industry in Montana. I urge you to think positively and vote "yes" for this bill. The states of Virginia, Tennessee, Colorado, Oregon, Wisconsin are part of a group of states that have realized the need for this type of legislation. Montana could be seen as a leader by enacting this bill.

Sincerely,



Penni Nance

Senators  
State of Montana

I am Al Lien, 2nd Vice President of the Montana Draft Horse and Mule Association. The Montana Draft Horse and Mule Association is a 300 member (voting) state wide association sponsoring and participating in many events such as parades, teamster events and pulling matches at Fairs throughout the state.

It is a Montana Draft Horse and Mule Association member that is handling the team and the Billings trolley at President Clinton's inaugural parade in Washington, D.C. representing the State of Montana. Insurance and liability were definitely a matter of concern to the group that put this parade entry together.

Two other events of significance sponsored by or participated in, by the Montana Draft Horse and Mule Association, were the Centennial Wagon Train terminating right outside of our capitol here and the Centennial cattle drive which assembled more horses than the Battle of Gettysburg.

I drove my carriage at the Centennial Ball as did many others without mishap assuming the responsibility that our rigs were safe and horses were in control.

In reference to language in the bill #19 a limit on liability and assistance to the court and jury in defining circumstance and or responsibility will encourage and strengthen the horses in harness industry in Montana.

Whether it be a working team feeding in the Big Hole or pleasure driving in the Christmas parade, the horse industry, whether large or small, is another segment of the state economy being harness shops, feed stores, gasoline to attend an event.

The horse industry would like to encourage the committee to support this legislation.

Sincerely yours,

Allan Lien

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1-20-93  
SB 140

GILLINGHAM & ASSOCIATES, INC.

January 15, 1993

Mr. Robert Schaap  
Lone Mountain Ranch  
North Forkland Road  
BIG SKY MT 59716

RE: EQUINE ACTIVITIES - LEGISLATIVE DECLARATION - EXEMPTION FROM  
CIVIL LIABILITY

Dear Bob:

Gillingham & Associates, Inc. has recently completed a liability insurance program for outfitters, guides and dude ranches, kicking off in thirteen states February 1st. The insurance company providing coverage is the Gulf Insurance Company, Best rated A+8 and in terms of size, one of the top 25 insurance companies in the U.S.

Designing a specialty insurance program for your industry has taken nine months and hundreds of man hours. The research involved was extensive. As you have experienced, insurance companies are not standing in line to underwrite equine activities. I have interviewed several hundred outfitters, guides and dude ranch owners, and have heard the same statement as many times: "When you put a green rider on a 1200 pound animal that by its very nature is a flight animal in lieu of a fight animal, accidents can and will occur. The majority of accidents are not a result of negligence but of circumstances that may cause the animal to react in such a way to injure its rider."

Several states have passed laws limiting liability related to equine activities. The Colorado law has resulted in the reduction of insurance rates for outfitters, guides and dude ranches in Colorado and has increased the availability of coverage in Colorado. When I underwrite an identical risk in Colorado verses Montana, it goes without saying that I prefer the Colorado risk and will offer better terms, conditions and rates as a result of the new Colorado law.

As a Program Manager, underwriting equine activities on behalf of insurance company, I can factually state that a law such as Colorado 13-21-117, introduced to Montana, will reduce insurance rates and increase the number of insurance companies competing for your and your industries business.

Sincerely,

  
Thomas S. Gillingham

TSG:mcw



January 17, 1993

Honorable Chairman and Members of the Senate Judiciary Committee:

Two of our three children are Native American and both experienced severe frustrations as adolescents in school as the result of learning disabilities, adoption issues, and coping with their minority status. After experiencing a sort of living hell with our oldest son during his high school years, someone very wise strongly recommended that we get our daughter involved with horses when she too started to show signs of trouble in her sophomore year. Now that I own a horse, I humbly realize what two strangers risked when they allowed her to use their horses for 4H lessons. No one should have to risk so much in trying to help someone else. I strongly believe that the mutual love between my daughter and the weanling filly that she raised saved her life from the years of confusion that continue to plague her older brother. Please support Senate Bill 140 so that others may benefit from a relationship with these magnificent creatures, and so that I personally may be able to pass on such an experience to some other child or adult in need without having to worry about losing everything we own. We need this law so that children may receive lessons, so that landowners can allow horse people to cross their land, and so that stables can board and lease horses to residents and tourists alike - all without fear of unfounded lawsuits.

In addition I would like to refer you to the attached writeup which appeared in the current issue of my national breed magazine. Bob Miller is an example of the best that Montana has to offer and he should be allowed to operate this wonderful enterprise without undue liability hindrances, just as the ski industry does since the passage of the ski liability bill. We simply must stop making it so difficult for businesses like this one which are so beneficial to Montana's image (and to our economy) to locate and operate successfully here.

Respectfully submitted

*Sandra S. Jankowski*

Sandra S. Jankowski

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1-20-93  
SB140

When Governor Roscoe addressed the state last Thursday night he spoke of a need to approach problems with fairness and honest purpose.

You've seen that there is a problem.

The horse people of MONTANA come before you , from far and near, from all walks of life with honest purpose. asking that you address this problem.

You've heard testimony this morning about money, insurance, lost opportunities, perceived liability and fear, but again the Governor summed it up best last Monday morning when we briefed him on this legislation - this lack of definition of risks and responsibilities - creates a division of community.

We put out or forgo some to live in this great state - with many blessings returned .

What we should not have to live under is the unnecessary fear of losing all you have worked for when you are not at fault.

You, Senators, have a rare opportunity to make a difference far past your terms - in our sense of community.

Ellen Hargrave  
Hargrave Cattle & Guest Ranch  
300 Thompson River Valley  
Moose MT 59005

SEN. J. D. DUNN

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1-20-93

SB 140

# Montana Trial Lawyers ASSOCIATION

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Director Emeritus  
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Paul M. Warren  
Michael E. Wheat

Executive Office  
#1 Last Chance Gulch  
Helena, Montana 59601  
Tel: 443-3124

January 20, 1993

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Governor

Sen. Bill Yellowtail, Chair  
Senate Judiciary Committee  
Room 325, State Capitol  
Helena, MT 59624

SENATE JUDICIARY

EXHIBIT NO. 22

DATE 1-20-93

BILL NO. SB140

RE: SB 140

Mr. Chair, Members of the Committee:

Thank you for this opportunity to express MTLA's opposition to SB 140, which would limit the tort liability for equine activity sponsors and equine professionals. MTLA opposes SB 140 because of several concerns:

1. The heart of SB 140, Section 3, immunizes "equine activity sponsors" and "equine professionals" for injuries or death to participants engaged in "equine activity," period. An outfitter, for example, qualifies as an equine activity sponsor; a group of hunters qualifies as participants; and a guided pack trip into the Bob Marshall Wilderness qualifies as an equine activity. But if no exception in subsection (2) applies--if the outfitter properly provides equipment and tack, properly determines the equine ability of participants, etc.--then the outfitter enjoys blanket immunity for injuries or deaths, regardless of the cause of those injuries or death. An outfitter who accidentally poisons his clients, for example, apparently enjoys immunity under Section 3.

2. Section 4 of SB 140, pertaining to veterinarians and farriers, provides similarly excessive immunity, with even more limited exceptions. A vet, for example, who charges a young client for examining her lame horse and requests or requires her assistance, apparently enjoys absolute immunity for any resulting injuries or death, even if that vet was grossly negligent in positioning her directly behind the horse during a painful examination.

3. Section 5 of SB 140, which repeals Section 27-1-733, MCA, apparently exposes the employees of non-profit equine events to more tort liability since they do not come within the definition of "equine activity sponsor" in SB 140.

Proponents of SB 140 insist on one hand that equine activities are inherently and unavoidably dangerous and on the other hand that they deserve protection from liability when injuries or death result from their negligence. The "equine activity sponsors" and "equine professionals" insulated by SB 140 presumably understand horses better than anyone, certainly better than most of their paying clients. Yet the bill relieves them of any duty to exercise reasonable judgment in anticipating equine behavior (page 4, lines 6-8), evaluating hazards such as ground conditions and weather (page 4, lines 12-13), or correcting participants who naively underestimate the danger "in immediate proximity to an equine activity" (page 2, lines 6-7) or obviously overestimate their own equine abilities (page 5, line 9-14). The bill, in essence, blurs the fundamental distinction between inherent risks and forseeable, avoidable risks.

Unlike liability laws applicable to Montana's relatively few, large, sophisticated ski resorts, SB 140 proposes to insulate innumerable "equine activity sponsors" who may well be one-person, part-time operations. And unlike inexperienced downhill skiers who can exercise virtually complete control over the dangers inherent in a static landscape, inexperienced horseback riders and spectators encounter animals which are large, quick, and powerful. MTLA readily admits that individuals in a free society are entitled to make decisions for themselves and to willingly, knowingly accept the risks of dangerous behavior. MTLA believes, however, that existing Montana law protects that right and the consequences that flow from that right better than SB 140 does.

Thank you for considering these comments. If I can provide additional information or assistance, please notify me.

Respectfully,

A handwritten signature in cursive script that reads "Russell B. Hill". The signature is written in dark ink and is positioned above the printed name and title.

Russell B. Hill  
Executive Director

January 19, 1993

SENATE JUDICIARY COMMITTEE  
EXHIBIT NO. 53  
DATE 1-20-93  
BILL NO. SB 140

TO: Roger McGlenn

FR: Vickey Anderson *TEAM ADMIN. ASSISTANT*

RE: SB 140 - Limiting Tort Liability for Equine  
Activity Sponsors and Equine Professionals

Roger:

Some preliminary input on the captioned:

\*Other states that have some type of law regarding limitation  
on equine liability include:

Maine	Massachusetts
Virginia	Idaho
Georgia	North Dakota
Oregon	Wisconsin
Washington	Colorado
West Virginia	possibly Tennessee

\*As to availability in Montana, the majority of horse liability, not including horse liability for agricultural pursuits, seems to be written in surplus lines. In talking with several general agencies however, they cannot handle certain types of equine liability exposures, specifically businesses that provide riding lessons or provide animals to ride where the horse owner has to determine the ability of the rider and then match them up with a horse. There may be other G.A.'s who could address the "riding" exposure that I may not have talked to.

\*I did speak with two risk purchasing groups--

1) Horsemen of North America Safety Control Purchasing Group -  
Schaumburg, IL - Linda Liestman - Primary Insurer: Generali US  
Branch (Admitted)

Linda was very helpful and she has a great deal of information on equine liability laws in the various states (how I obtained the list of states above). An individual would have to be a member to access their purchasing group. Their group incorporates a lot of risk management techniques, some mandatory and some optional. Optional techniques are considered for premium credits. They also provide what they call a 10% tort reform credit if the insured resides in a state that has an equine liability law. Linda advised that they write approximately 30-50 policies in Montana.

When I asked about if any of the various states' laws have been tested in court, she advised that, to her knowledge, there have been no concluded court cases. She commented that she is currently working with an attorney from Washington who is acting as an expert witness in a pending case. He will be researching these type of cases and will have this information about mid-February.

2) American Equine Purchasing Group, Inc. - Rolling Meadows, IL  
John Hart - Primary Insurer: American Modern Home Insurance  
Company (Admitted)

They currently do not write any business in Montana, however,  
they want to. They are in the process of trying to set up  
one to two brokers in the state to handle the business as they  
want local service.

\*By chance I happened to talk to a member agent and he advised that  
they had an admitted market for some horse liability. This shows  
me that there may be various agencies out there who have special  
programs set up with a certain company, which we would have no  
way of knowing about unless we contacted each and every agent.

I am still awaiting some return phone calls and will let you know if  
I have any additional information.

/vla

Antidotal testimony for Montana Horse Council

SENATE JUDICIARY CO.  
EXHIBIT NO. 24  
DATE 1-20-93  
BILL NO. SB140

Dude Ranch:

LOST VALLEY RANCH

Address:

RT 2 SEDAWA, CO 80135

Phone:

303-647-2311

Fax: 303-647-2315

Owners:

BOB/KAREN FOSTER

How has horse liability legislation in your state affected you? Please provide the following as testimony for a Montana Equine Liability Bill that, simply put, says the rider has to assume an inherent risk and the horse owner must be grossly negligent to be held liable.

A. Has your state legislation made securing insurance easier? yes ☒ no ☐

B. After your state passed horse liability legislation, did this open up more insurance markets for you? yes ☒ no ☐

C. Have your insurance premiums changed? Give \$ amounts if possible

Our insurance rates decreased 12% directly because of the passage of Colorado's bill

D. Do you have better insurance coverage now than before the legislation? yes ☒ no ☐

E. Has the legislation changed your level of safety awareness? yes ☒ no ☐

F. Does your insurance company require signed releases? yes ☐ no ☒

G. Has your Ranch atmosphere changed as a result of having added liability protection? Not necessarily - I just sleep better @ night

H. Have any guest not returned as a result of the law? yes ☐ no ☒

I. Have you had any injury settlements over \$20,000. ? yes ☐ no ☒  
how many \_\_\_ How many years of operations? \_\_\_

J. Have you had any nuisance threats of injury litigation? Example: ( A guest wants his bill reduced due to an injury. ) Approx. how many. \_\_\_  
No!!

K. What are the most positive results you have experienced from the liability law for your Ranch. What should be told to the Montana legislators.

~~We have not experienced any negative results from the law.~~  
Lower insurance rates, shared risk w/ our customers when riding, increased our educational and training, our wranglers and guests  
Signature Ranch owner, 1 22 2

## Antidotal testimony for Montana Horse Council

Dude Ranch:

Skyline Guest Ranch

Address:

Box 67 Telluride, CO 81435

Phone:

303-728-3257 Fax: 303-728-6728

Owners:

Dave & Sherry Farny

How has horse liability legislation in your state affected you? Please provide the following as testimony for a Montana Equine Liability Bill that, simply put, says the rider has to assume an inherent risk and the horse owner must be grossly negligent to be held liable.

A. Has your state legislation made securing insurance easier? yes ☒ no ☐

B. After your state passed horse liability legislation, did this open up more insurance markets for you? yes ☒ no ☐

C. Have your insurance premiums changed? Give \$ amounts if possible lowered 10%

D. Do you have better insurance coverage now than before the legislation? yes ☒ no ☐

E. Has the legislation changed your level of safety awareness? yes ☐ no ☒

F. Does your insurance company require signed releases? yes ☐ no ☒

G. Has your Ranch atmosphere changed as a result of having added liability protection? we can have a much better riding program

H. Have any guest not returned as a result of the law? yes ☐ no ☒

I. Have you had any injury settlements over \$20,000. ? yes ☐ no ☒  
how many ☐ How many years of operations? ☐

J. Have you had any nuisance threats of injury litigation? Example: ( A guest wants his bill reduced due to an injury. ) Approx. how many. No

K. What are the most positive results you have experienced from the liability law for your Ranch. What should be told to the Montana legislators. The guests like the new law

Signature Ranch owner [Signature]



# Antidotal testimony for Montana Horse Council

Dude Ranch: Bar Lazy J Guest Ranch  
Address: P.O. Box N, Marshall, Co. 80468  
Phone: 303-725-3437 Fax: \_\_\_\_\_  
Owners: Larry & Barbara Harmon

How has horse liability legislation in your state affected you? Please provide the following as testimony for a Montana Equine Liability Bill that, simply put, says the rider has to assume an inherent risk and the horse owner must be grossly negligent to be held liable.

A. Has your state legislation made securing insurance easier? yes ☒ no ☐

B. After your state passed horse liability legislation, did this open up more insurance markets for you? yes ☒ no ☐

C. Have your insurance premiums changed? Give \$ amounts if possible lower for '93

D. Do you have better insurance coverage now than before the legislation? yes ☐ no ☒

E. Has the legislation changed your level of safety awareness? yes ☒ no ☐

F. Does your insurance company require signed releases? yes ☐ no ☒

G. Has your Ranch atmosphere changed as a result of having added liability protection? NO

H. Have any guest not returned as a result of the law? yes ☐ no ☒

I. Have you had any injury settlements over \$20,000. ? yes ☐ no ☒  
how many ☐ How many years of operations? 5 yrs.

J. Have you had any nuisance threats of injury litigation? Example: ( A guest wants his bill reduced due to an injury. ) Approx. how many. 0

K. What are the most positive results you have experienced from the liability law for your Ranch. What should be told to the Montana legislators. greater peace of mind as a  
Dude Ranch owner!

Signature Ranch owner Larry & Barbara Harmon

## Antidotal testimony for Montana Horse Council

Dude Ranch: The Fryingpan River Ranch  
Address: 32042 Fryingpan Rd, Marietta CO 81654  
Phone: 303-927-3570 Fax: 303-927-9943  
Owners: Tim Rea

How has horse liability legislation in your state affected you? Please provide the following as testimony for a Montana Equine Liability Bill that, simply put, says the rider has to assume an inherent risk and the horse owner must be grossly negligent to be held liable:

A. Has your state legislation made securing insurance easier? yes no

B. After your state passed horse liability legislation, did this open up more insurance markets for you? yes no

C. Have your insurance premiums changed? Give \$ amounts if possible NO

D. Do you have better insurance coverage now than before the legislation? yes no

E. Has the legislation changed your level of safety awareness? yes no

F. Does your insurance company require signed releases? yes no

G. Has your Ranch atmosphere changed as a result of having added liability protection? NO

H. Have any guest not returned as a result of the law? yes no

I. Have you had any injury settlements over \$20,000. ? yes no  
how many 0 How many years of operations? 12

J. Have you had any nuisance threats of injury litigation? Example: ( A guest wants his bill reduced due to an injury. ) Approx. how many. NO

K. What are the most positive results you have experienced from the liability law for your Ranch. What should be told to the Montana legislators. Courts accept and understand the inherent risks of riding

Signature Ranch owner Tim Rea

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1-20-93  
SB 140

# Antidotal testimony for Montana Horse Council

Dude Ranch:

Address:

Phone:

Owners:

Wind River Ranch  
PO Box 3410  
303-586-4212 Fax: 303-586-5775  
Rob & Jane Irwin

How has horse liability legislation in your state affected you? Please provide the following as testimony for a Montana Equine Liability Bill that, simply put, says the rider has to assume an inherent risk and the horse owner must be grossly negligent to be held liable.

A. Has your state legislation made securing insurance easier? yes ☒ no ☐

B. After your state passed horse liability legislation, did this open up more insurance markets for you? yes ☒ no ☐

C. Have your insurance premiums changed? Give \$ amounts if possible Down about 30%

D. Do you have better insurance coverage now than before the legislation? yes ☒ no ☐

E. Has the legislation changed your level of safety awareness? yes ☐ no ☒

F. Does your insurance company require signed releases? yes ☒ no ☐

G. Has your Ranch atmosphere changed as a result of having added liability protection? No

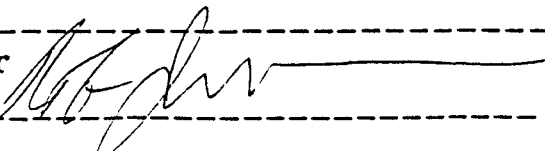
H. Have any guest not returned as a result of the law? yes ☐ no ☒

I. Have you had any injury settlements over \$20,000. ? yes ☐ no ☒  
how many 20 How many years of operations? 20

J. Have you had any nuisance threats of injury litigation? Example: ( A guest wants his bill reduced due to an injury. ) Approx. how many. 0

K. What are the most positive results you have experienced from the liability law for your Ranch. What should be told to the Montana legislators. We now have more markets at less cost

Signature Ranch owner  
or representative:



DATE Jan 20 93

SENATE COMMITTEE ON SB 140 Sen Rea Judiciary

BILLS BEING HEARD TODAY: SB 140 Sen Rea  
SB 124 - Sen VanWarenburg

Name	Representing	Bill No.	Check One	
			Support	Oppose
Bonnie & Morgan	Ten Mile Drivers	SB 140	✓	
Mylene Mason	" " "	"	✓	
Tom Lannon	Back Country Horsemen MT Horse Shoeing	SB 140	✓	
Michael A. Wagner	<del>MT</del> Horse breeding	SB 140	✓	
Cheryl Moldenhauer	Townsend Rider Saddle Club	SB 140	✓	
Danny Emerson	Team Ropers	SB 140	✓	
Rep Sam Rose	Russell County	SB 140	✓	
Jay Stora	Yellowstone	SB 140	✓	
Bill Hight	M V M A	SB 140	✓	
Don Youngberg	Montana Farm Bureau	SB 140	✓	
Russell R. Hill	MTLA	SB 140		X
Tim Sayles	H.D. #61	SB 140	X	
Kelly Flynn	Montana High Country Cattle Rais	SB 140	X	
Jack Rich	Double Arrow Outfitters & Guest Ranch	SB 140	✓	
POU BEAUX	TRIPLE CREEK OUTFITTERS MTALA, LLC	SB 140	✓	
Shelly Mackay	Fallon County 4H Horse Project	SB 140	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE January 20, 1993

SENATE COMMITTEE ON SB 140 Sen Rec

BILLS BEING HEARD TODAY: \_\_\_\_\_

Name	Representing	Bill No.	Check One	
			Support	Oppose
Sierra Johnson	Last Chance Stampede	140	✓	
Shirley Wirth	MT Horse Council	140	✓	
Jon Jon	Last Chance Stampede	140	✓	
Alan Tuser	<del>MT</del> Myself	140	✓	
Sharon Zelhaus	Townsend Riders	140	✓	
Debby Thorpe	Townsend Riders	140	✓	
Brad Griffith	MT Horse Council	140	✓	
Edna Wood	Jefferson Co. Rod & Gun Club	140	✓	
Alan Hargrave	Cattle & Guest Ranches	140	✓	
David L House	Helena Trailriders	140	✓	
David K. Johnson	Mont. Outfitters & Guides	140	✓	
Don Ken. Morrison	Ranch	140	✓	
Sandra Jankowski	my self - see letter in packet	140	✓	
Solyer Peter	Early Dawn Ranch, Inc	140	✓	
Russ Ritter	Wash Camp	140	✓	
Steve Pichea	Self	140	✓	

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DATE 1-20-93

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SB 140 Sen. Rea

SB 124 Sen Van Cullenburg

Name	Representing	Bill No.	Check One	
			Support	Oppose

Lellan Linn	MONTANA DISTRICT HOME EMULE ASSOCIATION	140	X	
Erin Derrin	Self & other kids	140	X	
Molly Ferris	"	140	X	
Kate Ferris	"	140	X	
Nancy Anderson	Self	140	X	
Rose Thompson	Self	140	X	
Karen Linderman	self	140	X	
Lanny Novotny	Self	140	X	
PAMELA BARROWS <del>BARROWS</del>	SELF	140	X	
R. Pinist	Self	140	X	
Tina Brilz	Self	140	X	
Doug Hammill DVM	Old West Adventures + Big Mountain Ski + Summer	140	X	
Les Hargrave	Hargrave, Charles Ranch	140	X	
Edmund W. Watson	Ed. W. Watson & Son	140	X	
Clay Watson	Ed. W. Watson & Son	140	X	
Dr. James H. Bailey	Mat. Veterinary Medical Assoc.	140	X	

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DATE 1-20-93

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SB 140: Sen Rea

SB 124 - Sen. Van Valkenburgh

Name	Representing	Bill No.	Check One Support Oppose	
MARTIN, John	TEAM 111 Mont. 1/14	140	✓	
JOHN VANDERHORE	HELENA	140	✓	
Michael S. Fay	Helena	140	✓	
Stephen W. H. H.	1402 Council	140	✓	
Jim Sundersen	Horse Council - Farmers	140	✓	
LARRY HOLMQUIST	BALCON MOUNT - BOZEMAN	140	✓	
Steve Eastman	MT Professional Horsemen ASSN INC	140	✓	
Roger Tippy	MT Veterinary Medicine Assn	140	✓	
Carolee Torgereson	MT Stock Growers Assn MT Wool Growers Assn	140	✓	
Shirley Arsenault	Emigrant, MT Mtn Sky Guest Ranch	140	✓	
Linda Miller	ELKHORN RANCH, BOZEMAN	140	✓	
ROBERT E MILLER	MILLER OUTLET OF	140	✓	
Jamie Doggett	MT Cattlewomen	140	✓	
Gail Brockbank	MT Promo/Dept of Comm	140	✓	
Duke Averill	FEATHERED LAKE LODGE	140	✓	
Jesse Armstrong	Flying D Ranch	140	✓	

### VISITOR REGISTER

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DATE 1-20-93SENATE COMMITTEE ON JudiciaryBILLS BEING HEARD TODAY: SB 140 - Sen Rea  
SB 124 - Sen Van Valkenburg

Name	Representing	Bill No.	Check One	
			Support	Oppose
Bob Hoffman	Ag. Pres. Assoc (APA)	140	✓	
WARD JACKSON	SW. MT. STOCKMEN'S	140	✓	
Donna Johnson	Johnson Ranch	140	✓	
Leslie Colver	Colver Ranch	140	✓	
JACKIE & DAVID HELMGRÉN	WATGRT LIVE STOCK HELMGRÉN RANCHES	140	✓	
Gaylynn Wagner	Hyland Walker Ranch Mont. Horse Council	140	✓	
Robert Schaaap	Long Mountain Ranch	140	X	
RICK GREENLEE	MONTANA BACK COUNTRY HORSEMEN	140	✓	
Oswell Walker	" " " "	140	✓	
Adriene Kiehl - Crona	CITY OF MISSOULA	SB124	✓	
Les Graham	MT. Backo ASSN'S	SB140	✓	
Cork Mortensen	Dept. of Livestock	SB140		
SARAH A. BOWEN	4-H HORSEMANSHIP	SB140	✓	
Joyana Schauer	Outfitters	140	X	
Mike Parsons	Outfitters	140	X	
Jed Mendeth	Cowall	140	X	

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DATE 1-20-93

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SB140 Sen. Rea

SB124 Sen. Wn (Wakenburg)

Name	Representing	Bill No.	Check One	
			Support	Oppose
Genny Barhaugh	self	140	✓	
Laurel L. Whitney	self	140	✓	
Katharine Donnell	attly - Mont Hor & R Council	140	✓	
Larry M. Bailey	Self	140	✓	
Liz Gilliam	self	140	✓	
Robert R. Milewski	Self	140	✓	

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