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HOUSE BILL NO. 1479

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on March 1, 2018)

(Patron Prior to Substitute—Delegate Freitas)

A BILL to amend and reenact § 3.2-6202 of the Code of Virginia, relating to equine activity liability; waiver.

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6202 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6202. Liability limited; liability actions prohibited.

A. Except as provided in § 3.2-6203, an equine activity sponsor, an equine professional, or any other person, which shall include a corporation, partnership, or limited liability company, shall not be liable for an injury to or death of a participant resulting from the intrinsic dangers of equine activities and, except as provided in § 3.2-6203, no participant ~~nor any~~, participant's parent, *or* guardian, or representative *of such parent or guardian*, shall have or make any claim against or recover from any equine activity sponsor, equine professional, or any other person for injury, loss, damage, or death of the participant resulting from any of the intrinsic dangers of equine activities.

B. Except as provided in § 3.2-6203, no participant or parent or guardian of a participant who has knowingly executed a waiver of his rights to sue or agrees to assume all risks ~~specifically enumerated under this subsection~~ *or intrinsic dangers of equine activities* may maintain an action against or recover from an equine activity sponsor or an equine professional for an injury to or the death of a participant engaged in an equine activity. The waiver shall give notice to the participant of the intrinsic dangers of equine activities *and may be executed at a location other than that of the equine activity*. The waiver shall remain valid unless expressly revoked in writing by the participant or *his* parent or guardian ~~of a minor~~. *For purposes of this section, in the case of a minor participant, the execution of a waiver by a duly authorized representative of the parent or guardian designated in writing by the parent or guardian shall constitute a valid and knowing execution of a waiver by the parent or guardian.*

SENATE SUBSTITUTE

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