

# Understanding Liability Waivers for Equine Activities in North Carolina

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A person's participation in equine activities, such as horseback riding, training, and competitions, involves certain inherent risk due to the foreseeability of harm that could occur when interacting with a horse.

In North Carolina, as in many states, liability waivers are often used to protect equine activity sponsors, such as individuals, groups, clubs, partnerships, or corporations from legal claims arising from injuries sustained during these activities. However, the enforceability and effectiveness of the waivers depends on compliance with state laws, including the North Carolina Equine Activity Liability Act.

## The North Carolina Equine Activity Liability Act

North Carolina has enacted the Equine Activity Liability Act (the "Act"), codified at **N.C. Gen. Stat. § 99E-1 to § 99E-5**, to limit the liability of equine activity sponsors and equine professionals. The Act recognizes that equine activities come with inherent risks, such as unpredictable animal behavior and the possibility of an equine behaving in ways that may result in injury, harm, or death to the persons around or on them. Under the Act, people who engage in equine activities assume these risks and generally cannot hold equine sponsors or equine professionals liable for injuries resulting from inherent dangers.

However, the statute does not provide blanket immunity. Liability may still arise if:

- the equine activity sponsor or equine professional supplies faulty equipment or tack that leads to the injury, damage, or death.
- the sponsor or professional provides the equine and fails to make reasonable efforts to determine the participant's ability to (a) engage safely in the activity or (b) manage the specific equine.
- the sponsor or professional has willful or wanton disregard for the safety of the participant that leads to the injury, damage, or death.
- The sponsor or professional fails to post the required warning sign in required locations (the sign must include the warning language discussed below).

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## The Role of Liability Waivers

Liability waivers serve as an additional layer of protection for equine businesses by requiring participants to acknowledge the risks involved and waive their right to sue. While the Act provides statutory protection, a properly drafted waiver reinforces this protection and may be crucial in defending against a lawsuit.

To be enforceable in North Carolina, a liability waiver should:

- **Be clearly written and unambiguous** – Avoid complex legal jargon and ensure the participant understands the rights they are waiving.
- **Specifically reference equine activities** – The waiver should explicitly state that the participant assumes the risks associated with horseback riding and related equine activities.
- **Be voluntarily signed by an informed participant** – An agreement with a minor is voidable so, the minor's parent or legal guardian should sign the waiver on behalf of the minor. (Nonetheless, a liability waiver may only be enforceable against the minor's parent or legal guardian and not the minor because a parent cannot bind their minor child to pre-injury liability waivers. There are exceptions for non-commercial activities that are sponsored by non-profits, schools, or other volunteer programs and organizations.)
- **Include the statutory warning language** – North Carolina law requires equine activity sponsors to post and include in contracts the following warning:

*"WARNING: Under North Carolina law, an equine activity sponsor or equine professional is not liable for an injury to or the death of a participant in equine activities resulting exclusively from the inherent risks of equine activities. Chapter 99E of the North Carolina General Statutes."*

## Common Scenarios Requiring Equine Liability Waivers

Equine liability waivers are essential in a variety of settings where individuals engage with horses. Examples include:

- **Horseback Riding Lessons** – Riding instructors require students (or their guardians) to sign waivers acknowledging the risks of horseback riding.
- **Trail Riding Businesses** – Companies offering guided trail rides need waivers to protect against claims from rider participants.
- **Boarding and Training Facilities** – Horse owners boarding their horse(s) or receiving training at a facility sign waivers to release the facility from liability for injuries that occur on the property.
- **Horse Leasing or Rentals** – Individuals leasing or renting horses for personal use, sign waivers acknowledging the risks involved.
- **Equine Therapy Sessions** – Organizations offering equine-assisted therapy often require waivers of participants.
- **Competitions and Events** – Riders entering equestrian events, rodeos, or shows must typically sign waivers as a condition of participation.
- **Volunteer Work at Stables** – Volunteers helping with horse care or barn duties sign waivers

recognizing potential injury risks.

## Limitations of Liability Waivers

While liability waivers are useful, they do not provide absolute immunity. North Carolina courts will not enforce waivers that are contradictory with state law, gained through unequal bargaining power, or contrary to public policy. Additionally, a waiver cannot protect against gross negligence, willful or wanton disregard, reckless conduct, or intentional harm.

## Conclusion

For equine professionals and facility owners in North Carolina, a combination of the Equine Activity Liability Act and a well-drafted liability waiver provides substantial legal protection. However, because waivers must meet specific legal standards to be enforceable, consulting with an attorney experienced in equine law is encouraged. By taking these precautions, equine businesses can mitigate risks while continuing to offer safe and enjoyable experiences for riders and participants.

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