

SENATE JUDICIARY

Exhibit No. 16  
Date: 3/5/15  
Bill No. HB204

In Reference to HB204.

As the General Manager of the 320 Guest Ranch in Big Sky Montana, I wanted to write a brief summary of our experiences with release waivers and the impact they have on small business.

First let me say that we ask all of our riders to sign a release waiver when they arrive to the barn. We also give a 5-6 minute safety demonstration that covers how to mount and dismount a horse, how to sit in the saddle, hold the reins, etc. We then help the guests mount the horse and then check all tack and make sure that the rider is comfortable and safe. During the ride we correct riding behavior, discuss the area's flora and fauna, make sure that riders are safe and that trail conditions are appropriate for the ride we are on. All of these things do not and will not protect our riders for a situation where a horse gets spooked, loses footing, navigates obstacles, etc.

Under the current law a participant in an equine activity is allowed to file suit for negligent behavior. This means that if we are negligent or not that the participant has a right to a jury trial. We are in favor of guests being given this opportunity. It is what is involved during the process that we dispute.

During the course of discovery and pretrial depositions we were asked to provide any and all documents regarding our horse operation including our training manual, releases, pictures of tack and horses, size of horses, employee records and training, etc. We were deposed by both the plaintiff's attorney as well as our own. Once the case went to trial and was not settled, as we felt that we were not negligent or wanton, we were NOT allowed to submit any photos of signs indicating that horseback riding is a dangerous activity involving risk of injury or death, unable to submit into evidence the release waiver that the guests signed indicating that they were informed of the risks associated with horseback riding, or discuss it during the course of the trial through court testimony. Furthermore, we were instructed by the judge that we were not allowed to discuss or mention the release as it is ILLEGAL.

During the course of the trial the plaintiff's attorney made it sound as if her clients were never warned of the dangers or were given the opportunity to not take the ride and were just sent on their way. When in fact they were given instruction, saw the signage, read and signed a waiver stating that there is inherent risk in equine activities, and by signing the waiver they acknowledged that they were informed of such risks and therefore was of no use as it was inadmissible. The jury was never given any evidence that we provided any warning to the guests' regarding the inherent risk associated with horseback riding, or that we have multiple signage indicating that horseback riding can be a dangerous activity.

The final result is that the jury found that we were not wanton or negligent and that we were protected under the equine act as a horse acted in a way that is normal for an equine activity. The case should not have even gone to trial because as an equine provider we are protected by the equine act, yet we are not allowed to present any evidence that shows that we do provide safety information and informed consent. As stated before we were NOT ALLOWED to submit any of our waivers as evidence, nor pictures of signage, nor discuss during testimony that we have a system of waivers and signage in place. I urge the reader of this document to vote YES on House Bill 204 and to contact me directly with any additional questions that I may be able to clear up.

Best Regards,

John Richardson, General Manager, 320 Guest Ranch

406-995-4283 or johnr@320ranch.com