

LIABILITY RELEASE ENFORCEMENT CHART

By Julie I. Fershtman, Attorney at Law

STATE	ENFORCE	NOT ENFORCE	EALA AFFECTS	JULIE FERSHTMAN'S COMMENTS
ALABAMA	X		X	
ALASKA	X - hard to enforce		x	INCLUSION OF WORD "NEGLIGENCE" HELPS ENFORCEABILITY
ARIZONA	X - hard to enforce		X	RELEASES FAILED IN EQUINE CASES; EALA REQUIREMENTS FOR RELEASES ARE UNIQUE; INCLUSION OF WORD "NEGLIGENCE" HELPS
ARKANSAS	X - hard to enforce			INCLUSION OF WORD "NEGLIGENCE" HELPS ENFORCEABILITY
CALIFORNIA	X - hard to enforce		NO EALA	INCLUSION OF WORD "NEGLIGENCE" HELPS ENFORCEABILITY. RELEASE ENFORCED IN EQUINE CASE.
COLORADO	X		X	SUPREME COURT HELD RELEASE COULD AVOID BASIC EALA LIABILITIES.
CONNECTICUT	X - hard to enforce			RELEASE FAILED IN EQUINE CASE; INCLUSION OF "NEGLIGENCE" HELPS
DELAWARE	X - hard to enforce		X	INCLUSION OF WORD "NEGLIGENCE" HELPS ENFORCEABILITY
FLORIDA	X		X	RELEASE ENFORCED IN EQUINE CASE
GEORGIA	X		X	RELEASE ENFORCED IN EQUINE CASE
HAWAII	X			
IDAHO	X			RELEASE ENFORCED IN EQUINE CASE (INJURED HORSE CASE)
ILLINOIS	X		X	RELEASE ENFORCED IN EQUINE CASES
INDIANA	X		X	RELEASE ENFORCED IN EQUINE CASE
IOWA	X		X	
KANSAS	X		X	
KENTUCKY	X - hard to enforce		X	
LOUISIANA		X	X	LA. CIV CODE ART. 2004 HURTS ENFORCEMENT. DOC. FAILED IN EQ CASE
MAINE	X - hard to enforce		X	INCLUSION OF WORD "NEGLIGENCE" HELPS ENFORCEABILITY
MARYLAND	X		NO EALA	
MASSACHUSETTS	X		X	RELEASE ENFORCED IN EQUINE CASE
MICHIGAN	X		X	RELEASE ENFORCED IN EQUINE CASE (including case handled by author)
MINNESOTA	X			
MISSISSIPPI	X		X	
MISSOURI	X - hard to enforce		X	INCLUSION OF WORD "NEGLIGENCE" HELPS ENFORCEABILITY
MONTANA		X		MONT. CODE ANNO. § 28-2-702 IMPAIRS ENFORCEMENT
NEBRASKA	X		X	
NEVADA	X - hard to enforce		NO EALA	RELEASE FAILED IN EQUINE CASE
NEW HAMPSHIRE	X - hard to enforce			RELEASE FAILED IN EQUINE CASE
NEW JERSEY	X - hard to enforce			INCLUSION OF WORD "NEGLIGENCE" HELPS ENFORCEABILITY
NEW MEXICO	?	?		
NEW YORK	X - hard to enforce		NO EALA	Gen. Obl. Law 5-326 COULD IMPAIR ENFORCEMENT. RELEASE ENFORCED IN EQUINE CASE
NORTH CAROLINA	X		X	RELEASE ENFORCED IN EQUINE CASE.
NORTH DAKOTA	X - use caution			SAME ANTI-WAIVER STATUTE AS MONTANA BUT HAS ENFORCED DOCS
OHIO	X		X	RELEASE ENFORCED IN EQUINE CASE
OKLAHOMA	X		X	RELEASE ENFORCED IN EQUINE CASE
OREGON	X		X	
PENNSYLVANIA	X			
RHODE ISLAND	?	?	X	
SOUTH CAROLINA	X		X	
SOUTH DAKOTA	X		X	
TENNESSEE	X		X	RELEASE ENFORCED IN EQUINE CASE
TEXAS	X - hard to enforce		X	INCLUSION OF WORD "NEGLIGENCE" HELPS ENFORCEABILITY
UTAH	X - hard to enforce			
VERMONT	X - hard to enforce		X	
VIRGINIA		X	X	SUPREME COURT CASE IMPAIRS ENFORCEABILITY
WASHINGTON	X			
WEST VIRGINIA	X		X	
WISCONSIN	X - hard to enforce		X	WORD "NEGLIGENCE" HELPS ENFORCEABILITY; UNEVEN ENFORCEMENT AND BAD 2005 CASE
WYOMING	X			RELEASE ENFORCED IN EQUINE CASE

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