



ONE COMMON BOND—THE HORSE; ONE COMMON VOICE—MARYLAND HORSE COUNCIL

MHC UPDATE

mdhorsecouncil.org

Quarterly Meeting Report

Tuesday, May 17, 2005

Maryland Department of Agriculture

Annapolis, Maryland

Notes by Alice Dibben

As my husband Phil and I turned at the second cow into the lovely Maryland Department of Agriculture grounds, I noted that the first cow was wearing a beautiful hat suitable for the Preakness. Perhaps I should explain that both the entrance and the exit to the MDA have a lounging cow (instead of a lion) on a pedestal guarding the building. The MDA building is probably my favorite meeting place; it contains the executive boardroom for the Maryland Horse Council executive committee meetings and the conference room for the board meetings. The conference room has tables and is just the right size for our meetings. I extend my thanks to the MDA for its generosity, and I am sure that I speak for others as well.

Kathleen J. P. Tabor and **Laurie O'Neal**, specialists in equine law, and **Eileen Simpson**, president of the Maryland State Quarter Horse Association, provided an abundance of fresh veggies, dips, and drinks to get us off to a good start. Thanks and kudos for the goodies!

Featured Speaker: Maryland Insurance Commissioner Al Redmer Jr.

Jane Seigler, a lawyer and proprietor of Reddemeade Farm, used her experience and knowledge to set the stage for the insurance discussion. The current law in Maryland is favorable to horse operations in that defendants generally are not held to protect clients from *inherent risks of sports*. For example, if you give permission to ride on your property for free, you have no obligation to provide "safe" terrain.

On the issue of contributory vs. comparative negligence: Under contributory negligence, if the person who sues is partly to blame, then he cannot collect damages; but under comparative negligence, that person might expect to collect a part of the damages. Maryland is a contributory state. Does that have any influence on cost of insurance? According to Jane, probably not. Maryland rates are equal to those of other states that have comparative negligence laws.

In **Tim Capps'** introduction, we learned that **Al Redmer Jr.** has experience on both the administrative and executive sides of Maryland government. He served in the House of Delegates, representing the 8th district, for 13 years. He was described as approachable and an insurance specialist, which we found out to be very true by the end of his presentation.

Redmer introduced his subject with the following insurance axiom:

The cost of premiums = the cost of claims + overhead. To make insurance affordable, the claims have to be kept down. The insurance commissioner helps citizens in a number of ways. Policies are reviewed to see whether they comply with Maryland law, and to

ensure that the rates are justified actuarially. The commissioner's office responds to approximately 29,000 citizen complaints each year. It has teams of investigators to ensure that every action taken by carriers (in state or out of state) complies with Maryland law; if not, they make them do it right.

For more information, visit the Maryland Insurance Administration website managed by **Pat Bursin**: www.MDINSURANCE.STATE.MD.US

Citizen Speakers

Rob Burk from the Maryland Horse Industry Board explained that the Environmental Commission handles all agriculture issues. Legislators don't necessarily understand the equine business; therefore, it is necessary for horsemen to get involved in the legislative process and keep the legislators informed about their industry.

Ted Dawson, who is involved in the trail riding business, said that 85% of trail riding businesses are gone because of lack of insurance coverage. He has been sued twice – once in Delaware, and once in Maryland. Ground bees were the villains in one accident, causing a horse to shy and the rider to fall off, breaking a hip.

Doreen Hill says that a way to protect yourself from liability is to have a video on "ground handling horses safely," e.g., some evidence that you are stressing hazards and safety.

Waivers are not legal for children under age 7 because they are too young to contribute to negligence. Maryland is undecided about ages 8 through 14. Extra precautions are obviously necessary for children, even though their parents may have signed a waiver.

Bill Walker stressed that the MHC needs to keep a sharp eye on legislature affecting insurance.

Carole Wicker has had a boarding and lessons stable since 1978. Until the last 10 years, when she has had four different insurance companies, insurance was not a problem.

Dorothy Troutman described how difficult it is to get farm insurance these days. She is currently insured by Brethren Mutual Farm Family of Albany, New York, which she says is a good deal for boarding horses.

Pat Reynolds, who is an insurance agent, says that a horseman should take a week to detail exactly what he does with horses every day, in order to fully inform the insurance agent. Be pro-active, she says; read the policy. Make sure that clients are aware of rules. Very often, there is a problem with misconceptions.

Mike Erskine made a point about stables that lose business because of quarantines. This is a risk for stable owners. What can MHC do to help? One answer is to collaborate with the insurance commission.

We are grateful to our speakers and to the horse people who shared their stories. It is obvious that this is a subject of interest to a lot of people, and it will be revisited in the near future.

How to File a Complaint With the Maryland Insurance Commission

Contact the Maryland Insurance Administration at www.MDINSURANCE.STATE.MD.US. Click on "Consumer Information" then click on "File a Complaint." They can:

- Forward a copy of your complaint to the insurance company, if appropriate
- Obtain information or explanations on your behalf from the insurance company or its representatives. This may involve written and verbal contact with such companies or persons

- Review in detail the information obtained from the company for compliance with statutes, regulations and policy contracts
- Explain the provisions of your insurance policy, as appropriate
- Suggest actions or procedures that you may take which could aid in resolving your insurance problem
- If it is determined that the actions of an insurance company are in violation of a statute, regulation or policy that the Maryland Insurance Administration enforces, the MIA may take corrective action against that company

Availability of Equine Insurance

According to a handout provided by the Maryland Insurance Commission, you must contact the insurance company to be sure that coverage is available. These companies have passed inspection by the Maryland Insurance Commission:

| | Boarding | Lessons | Horse Shows | Breeding | Racing | Other |
|--|----------|---------|-------------|--------------|--------------------|---------------------------|
| ACE USA Group | Yes | Yes | Yes | Yes | Yes | Family Farms |
| American Bankers Ins. Co. of FL, Stable Liability Ins. Pgm. | | Yes | | Yes | Training (On Farm) | Family Farms |
| Chubb Group | | | | Thoroughbred | | |
| Everett Cash Mutual Ins. Co., Farmowners Pgm. | Yes | | | | | |
| Markel Insurance Co., Animal Liability Pgm. | Yes | Yes | Yes | Yes | Yes | Riding Clubs, NARHA |
| Nationwide Agribusiness Ins. Co., Farm Liability Pgm. | Yes | | | Yes | Training (On Farm) | |
| Travelers Indemnity Co., Agribusiness Pgm. | Yes | Yes | Yes | Yes | Yes | Riding Clubs |
| United Farm Family Insurance Co., Commercial Gen. Liability Pgm. | Yes | Yes | Yes | Yes | Yes | Exhibitions, Petting Zoos |

Maryland Horse Council Meeting Tuesday, November 15 at 7 p.m.

Miller Senate Building in Annapolis
Hosted with the Maryland Horse Industry Board

Featuring
Carville Collins

Attorney and Partner at Piper Rudnick
"Equine Liability Law and Tort Reform"

and

The Maryland Horse Park

Where are they in the process? Which sites are the frontrunners?

Talk to the site selection committee; ask questions of the advisory committee.

Q&A Session to Follow Horse Park Update Presentation

MHC Trails & Greenways Meetings 2005

All meetings are at 7:00 p.m.

All meetings are open to anyone interested in trails.

Wednesday, October 5

Location: Woodlawn Manor, MNCP&PC

Host: TROT

Wednesday, December 7

Location: Maryland Department of Agriculture

Host: DNR Volunteer Mounted Rangers

For more information, please see mdhorsecouncil.com



Maryland Horse Council

2005

*Serving the
Industry
Serving You*

- Association—\$100/year
- Farm—\$60/year
- Business—\$60/year
- Individual—\$35/year
- Youth Club—\$10/year

INSTITUTIONAL MEMBERSHIP—\$1,000 one-time fee

Institutional Membership: open to any private entity, corporation, or for a state, county or other municipal agency, department, service or office that wishes to support the Maryland equestrian industry. Membership shall be a one time fee of \$1,000. Payment shall entitle the institution to designate one or more individuals to serve in an advisory (non-voting) capacity to the Council.

Name _____

(Assoc./Business/Farm/Youth Club/Individual) _____

Phone _____

If Assoc., Representative to Serve as MHC Board Member _____

Phone _____

Alternate _____

Phone _____

Address _____

City/State/Zip _____

Email _____

Website _____

Fax _____

Mail w/ check payable to: Maryland Horse Council
P.O. Box 233 • Lisbon, MD 21765