



**House
Legislative
Analysis
Section**

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**ASSUMPTION OF RISK FOR BOAT
RENTERS**

House Bill 5518

Sponsor: Rep. John Llewellyn

**Committee: Conservation, Environment
and Great Lakes**

Complete to 11-27-96

A SUMMARY OF HOUSE BILL 5518 AS INTRODUCED 1-18-96

The bill would add a new section to Part 445 of the Natural Resources and Environmental Protection Act (NREPA), which regulates charter and livery boat safety, to specify that a person who rents or leases a Class E vessel from a boat livery operator who has posted certain warnings accepts the dangers inherent in that vessel's operation. (Under the NREPA, a Class E vessel is defined as one that carries not more than six passengers for hire and is either used primarily as a river-drift boat that is propelled primarily by hand, or is 18 feet or less in length and operated primarily on a river or tributary to the Great Lakes, Lake St. Clair, or their connecting waterways.)

Boat Livery Requirements. Under the bill, the operator of a boat livery that rented or leased a Class E vessel for use on state waters would be required to do the following:

**** Post a notice in conspicuous locations specifying that a person who rented or leased a Class E vessel from a boat livery accepted those dangers inherent in Class E vessel operation, as specified under the bill.**

**** Reasonably maintain each posted notice.**

**** Maintain in a reasonably prudent manner each Class E vessel and article of equipment associated with the vessel that the boat livery operator offered or made available to the public.**

**** Warn a person who intended to rent or lease a Class E vessel from the boat livery of a known water-related condition that might endanger the person.**

Specified Dangers. Under the bill, it would be presumed that a person who rented or leased a Class E vessel from a boat livery operator who complied with the notification and maintenance provisions of the bill accepted the dangers inherent in the operation of such a vehicle that were obvious and necessary, including, but not limited to, the risk of injury from any of the following:

- Capsizing, unless the capsizing was due to a defective vessel or defective equipment rented or leased from the boat livery operator.
- Striking objects above or beneath the water.

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- Loss of control of the vessel due to a current or other water condition, unless the loss of control was the result of a defective vessel or defective equipment leased from the boat livery operator.

- Failure to heed a clearly posted sign or warning.

MCL 324.44522a

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