



# HOUSE BILL No. 5518

January 18, 1996, Introduced by Reps. Llewellyn, Green, Rhead, Gernaat, Lowe and Bullard and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend the title of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," as amended, being sections 324.101 to 324.90106 of the Michigan Compiled Laws; and to add section 44522a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title of Act No. 451 of the Public Acts of  
2 1994, as amended, being sections 324.101 to 324.90106 of the  
3 Michigan Compiled Laws, is amended and section 44522a is added to  
4 read as follows:

### 5 TITLE

6 An act to protect the environment and natural resources of  
7 the state; to codify, revise, consolidate, and classify laws  
8 relating to the environment and natural resources of the state;  
9 to regulate the discharge of certain substances into the

1 environment; to regulate the use of certain lands, waters, and  
2 other natural resources of the state; to prescribe the powers and  
3 duties of certain state and local agencies and officials; TO PRO-  
4 VIDE FOR THE ASSUMPTION OF RISK RELATING TO THE USE OF CERTAIN  
5 VESSELS; to provide for certain charges, fees, and assessments;  
6 to prescribe penalties and provide remedies; ~~to repeal certain~~  
7 ~~parts of this act on a specific date,~~ and to repeal ~~certain~~  
8 acts and parts of acts.

9       **SEC. 44522A.** (1) THE OPERATOR OF A BOAT LIVERY THAT OFFERS  
10 TO RENT OR LEASE A CLASS E VESSEL FOR USE ON THE WATERS OF THIS  
11 STATE SHALL DO ALL OF THE FOLLOWING:

12       (A) POST IN CONSPICUOUS LOCATIONS A NOTICE SPECIFYING THAT A  
13 PERSON WHO OPERATES A CLASS E VESSEL RENTED OR LEASED FROM A BOAT  
14 LIVERY ACCEPTS THOSE DANGERS INHERENT IN CLASS E VESSEL OPERATION  
15 DESCRIBED IN SUBSECTION (2).

16       (B) REASONABLY MAINTAIN EACH POSTED NOTICE DESCRIBED IN SUB-  
17 DIVISION (A).

18       (C) MAINTAIN IN A REASONABLY PRUDENT MANNER EACH CLASS E  
19 VESSEL AND ARTICLE OF EQUIPMENT ASSOCIATED WITH THE VESSEL THAT  
20 THE BOAT LIVERY OPERATOR OFFERS OR MAKES AVAILABLE TO THE  
21 PUBLIC.

22       (D) WARN A PERSON WHO INTENDS TO OPERATE A CLASS E VESSEL  
23 RENTED OR LEASED FROM THE BOAT LIVERY OF A KNOWN WATER-RELATED  
24 CONDITION THAT MAY ENDANGER THE PERSON.

25       (2) A PERSON WHO OPERATES A CLASS E VESSEL RENTED OR LEASED  
26 FROM A BOAT LIVERY OPERATOR WHO COMPLIES WITH SUBSECTION (1)  
27 ACCEPTS THE DANGERS INHERENT IN CLASS E VESSEL OPERATION THAT ARE

1 OBVIOUS AND NECESSARY, WHICH INCLUDE BUT ARE NOT LIMITED TO THE  
2 RISK OF INJURY FROM ANY OF THE FOLLOWING:

3 (A) CAPSIZING, UNLESS THE CAPSIZING WAS DUE TO A DEFECTIVE  
4 VESSEL OR DEFECTIVE EQUIPMENT RENTED OR LEASED FROM THE BOAT  
5 LIVERY OPERATOR.

6 (B) STRIKING OBJECTS ABOVE OR BENEATH THE WATER.

7 (C) LOSS OF CONTROL OF THE VESSEL DUE TO A CURRENT OR OTHER  
8 WATER CONDITION, UNLESS THE LOSS OF CONTROL WAS THE RESULT OF A  
9 DEFECTIVE VESSEL OR DEFECTIVE EQUIPMENT LEASED FROM THE BOAT  
10 LIVERY OPERATOR.

11 (D) FAILURE TO HEED A CLEARLY POSTED SIGN OR WARNING.