

# HOUSE BILL No. 6209

June 18, 2002, Introduced by Reps. Mead, Bradstreet, Allen, Shackleton, Pumford and Jelinek and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding section 44520a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 44520A. (1) AN OWNER OF A NONMOTORIZED LIVERY BOAT IS  
2 NOT LIABLE FOR AN INJURY TO OR THE DEATH OF A USER OF THE NONMO-  
3 TORIZED LIVERY BOAT RESULTING FROM A RISK INHERENT IN THE USE OR  
4 OPERATION OF A NONMOTORIZED LIVERY BOAT.

5 (2) AS USED IN THIS SECTION:

6 (A) "OWNER OF A NONMOTORIZED LIVERY BOAT" MEANS THE PERSON  
7 WHO OWNS THE NONMOTORIZED LIVERY BOAT, THE BOAT LIVERY THAT  
8 RENTS, LEASES, OR FURNISHES THE NONMOTORIZED LIVERY BOAT FOR USE,  
9 OR AN EMPLOYEE OR AGENT OF THE OWNER OR BOAT LIVERY.

10 (B) "RISK INHERENT IN THE USE OR OPERATION OF A NONMOTORIZED  
11 LIVERY BOAT" MEANS A DANGER OR CONDITION THAT IS AN INTEGRAL PART

1 OF USING OR OPERATING A NONMOTORIZED LIVERY BOAT, INCLUDING, BUT  
2 NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

3 (i) WAVE OR OTHER WATER MOTION.

4 (ii) WEATHER CONDITIONS.

5 (iii) CONTACT OR MANEUVERS NECESSARY TO AVOID CONTACT WITH  
6 ANOTHER VESSEL OR A MANMADE OBJECT IN OR NEAR THE WATER.

7 (iv) CONTACT OR MANEUVERS NECESSARY TO AVOID CONTACT WITH  
8 ROCK, SAND, VEGETATION, OR OTHER NATURAL OBJECTS IN OR NEAR THE  
9 WATER.

10 (v) MALFUNCTION OF EQUIPMENT, EXCEPT FOR EQUIPMENT OWNED BY  
11 THE OWNER OF A NONMOTORIZED LIVERY BOAT.

12 (vi) FAILURE TO USE OR WEAR A PERSONAL FLOTATION DEVICE OR  
13 TO HAVE LIFESAVING EQUIPMENT AVAILABLE, EXCEPT IF THE OWNER OF A  
14 NONMOTORIZED LIVERY BOAT FAILED TO PROVIDE THE PERSONAL FLOTATION  
15 DEVICE OR LIFESAVING EQUIPMENT WHEN REQUIRED BY LAW OR REGULATION  
16 TO DO SO.

17 (vii) THE ACTIONS OF A VESSEL OPERATOR, EXCEPT IF THE OWNER  
18 OF A NONMOTORIZED LIVERY BOAT KNOWINGLY LEASED OR RENTED THE  
19 LIVERY BOAT TO AN OPERATOR WHO WAS DISQUALIFIED BY LAW OR REGULA-  
20 TION FROM OPERATING THE LIVERY BOAT.

21 (viii) HAVING A NUMBER OF PERSONS IN EXCESS OF THE MAXIMUM  
22 NUMBER APPROVED FOR THE LIVERY BOAT ONBOARD, EXCEPT IF THE OWNER  
23 OF A NONMOTORIZED LIVERY BOAT KNOWINGLY ALLOWED THE LIVERY BOAT  
24 TO LEAVE THE BOAT LIVERY'S PREMISES WITH A NUMBER OF PERSONS IN  
25 EXCESS OF THE MAXIMUM NUMBER APPROVED FOR THE LIVERY BOAT  
26 ONBOARD.

1           (C) "USER OF THE NONMOTORIZED LIVERY BOAT" MEANS A PERSON  
2 WHO PARTICIPATES IN THE USE OR OPERATION OF THE NONMOTORIZED  
3 LIVERY BOAT REGARDLESS OF WHETHER THE PERSON RENTED OR LEASED THE  
4 NONMOTORIZED LIVERY BOAT.