

Legislative Analysis



SKI PATROL IMMUNITY

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Senate Bill 561 as passed by the Senate

Sponsor: Sen. Michelle A. McManus

House Committee: Judiciary

Senate Committee: Judiciary

First Analysis (2-1-06)

BRIEF SUMMARY: The bill would revise a provision of the Good Samaritan law to grant immunity to members of the National Ski Patrol who provide emergency services while on ski patrol duty.

FISCAL IMPACT: The bill would have no fiscal impact on state or local government.

THE APPARENT PROBLEM:

Since 1987, members of the National Ski Patrol system (NSP) have enjoyed immunity from civil suits arising from emergency care rendered at the scene of an emergency on the state's ski slopes. Currently, the immunity under the Good Samaritan law extends to emergency care rendered in good faith while the person is acting as a member of the Ski Patrol and does not cover acts that amount to gross negligence or willful and wanton misconduct. In recent years, the National Ski Patrol system has changed its focus from being a member organization to being an organization providing education programs and services benefiting the member and the global outdoor recreation community.

Some people have expressed the concern that the current immunity language may now only apply for services rendered by NSP members when providing or participating in educational training programs, for example, CPR training. It has been suggested that the Good Samaritan law be amended to cover good faith services rendered by a member of the ski patrol when he or she is patrolling the slopes.

THE CONTENT OF THE BILL:

The bill would amend Public Act 17 of 1963, known as the Good Samaritan law. Currently, immunity from civil actions is extended to a registered member of the National Ski Patrol system who renders emergency care in good faith at the scene of an emergency while acting as a Ski Patrol member. The bill would instead extend the immunity to a member of the National Ski Patrol who, while on patrol, rendered emergency care in good faith at the scene of an emergency. The current exception from immunity for acts or omissions amounting to gross negligence or willful and wanton misconduct would be retained.

MCL 691.1507

ARGUMENTS:

For:

For many decades, members of the National Ski Patrol have promoted safe skiing and provided emergency care to injured skiers on ski slopes around the country. In 1987, in an attempt to encourage more experienced skiers to volunteer as NSP members and to lessen the need for ski resort owners to hire trained medical technicians to deal with injured skiers and other emergencies on the slopes, the legislature extended the immunity provisions of the Good Samaritan law to members of the NSP. However, recent changes in the organization of the NSP may leave members vulnerable to law suits when providing emergency services on the slopes while on patrol.

Senate Bill 561 would revise the statutory language to ensure that members of the NSP continue to enjoy the same level of immunity that they have for almost three decades.

Response:

The bill would address the issue of maintaining the same level of immunity for services rendered while patrolling the state's ski slopes, but could open members up to lawsuits if responding to an injury occurring during a training exercise or educational program as the member would not technically be "on patrol." In order to maintain the same level of immunity originally granted to members of the NSP, the bill language needs to include services rendered in good faith while patrolling ski slopes and also while conducting training and educational programs.

POSITIONS:

A representative of the Department of Community Health indicated support for the bill.
(2-2-06)

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