

IMMUNITY FROM LIABILITY FOR OWNERS OF NON-MOTORIZED LIVERY BOATS

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House Bill 4778

Sponsor: Rep. David Palsrok

Committee: Conservation, Forestry, and Outdoor Recreation

Complete to 11-2-05

A SUMMARY OF HOUSE BILL 4778 AS INTRODUCED 5-12-05

House Bill 4778 would amend the Natural Resources and Environmental Protection Act to specify that the owner of a non-motorized livery boat is not liable for an injury to, or the death of, a user that resulted from a risk inherent in the use or operation of the boat.

The bill defines "risk inherent in the use or operation of a non-motorized livery boat" to mean a danger or condition that is an integral part of the use of or operation of a non-motorized livery boat that is limited to one or more of the following:

- wave or other water motion;
- weather conditions;
- contact or maneuvers necessary to avoid contact with another vessel or a man-made object in or near the water;
- contact or maneuvers necessary to avoid contact with rock, sand, vegetation, or other natural objects in or near the water;
- malfunction of equipment, except for equipment owned by the owner of a non-motorized livery boat;
- failure to use or wear a personal flotation device or to have lifesaving equipment available, except if the owner of a non-motorized livery boat failed to provide the personal flotation device or live-saving equipment when required by law or regulation to do so;
- the actions of a vessel operator, except if the owner of a non-motorized livery boat leased or rented the livery boat to an operator who the owner knew or, in the exercise of reasonable care, should have known was disqualified by law or regulation from operating the livery boat; and/or,
- having a number of person in excess of the maximum number approved for the livery boat on board, except if the owner of a non-motorized livery boat knowingly allowed the livery boat to leave the boat livery's premises with a number of persons in excess of the maximum number approved for the livery boat on board or did not properly inform the user of the maximum number of persons approved for the livery boat.

Under the bill, "owner of a non-motorized livery boat" means the person who owns the non-motorized livery boat; the boat livery that rents, leases, or furnishes the non-

motorized livery boat for use; or an employee or agent of the owner or boat livery. "User of the non-motorized livery boat" would mean a person who participates in the use or operation of the non-motorized livery boat regardless of whether the person rented or leased the non-motorized livery boat.

MCL 324.44520a

FISCAL IMPACT:

The bill would have no fiscal impact on the State or local government.

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