

HOUSE BILL No. 4231

February 10, 2011, Introduced by Reps. Walsh, Oakes, Agema, Price, Heise, Lyons, Pscholka, Zorn, Franz, Kowall, Horn, Lund and Meadows and referred to the Committee on Judiciary.

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
(MCL 700.1101 to 700.8206) by adding section 5109.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5109. (1) BEFORE A MINOR PARTICIPATES IN RECREATIONAL
2 ACTIVITY, A PARENT OR GUARDIAN OF THE MINOR MAY RELEASE A PERSON
3 FROM LIABILITY FOR ECONOMIC OR NONECONOMIC DAMAGES FOR PERSONAL
4 INJURY SUSTAINED BY THE MINOR DURING THE SPECIFIC RECREATIONAL
5 ACTIVITY FOR WHICH THE RELEASE IS PROVIDED.

6 (2) THIS SECTION ONLY APPLIES TO A RECREATIONAL ACTIVITY
7 SPONSORED OR ORGANIZED BY A NONGOVERNMENTAL, NONPROFIT
8 ORGANIZATION.

9 (3) EITHER OR BOTH OF THE FOLLOWING MAY BE RELEASED FROM
10 LIABILITY UNDER THIS SECTION:

1 (A) THE SPONSOR OR ORGANIZER OF THE RECREATIONAL ACTIVITY.

2 (B) AN INDIVIDUAL WHO VOLUNTEERS TO COACH OR ASSISTS IN
3 CONDUCTING THE RECREATIONAL ACTIVITY.

4 (4) A RELEASE UNDER THIS SECTION ONLY RELEASES THE SPONSOR,
5 ORGANIZER, OWNER, LESSEE, OR OTHER PERSON RELEASED FROM LIABILITY
6 FOR INJURY OR DEATH THAT RESULTS SOLELY FROM THE INHERENT RISKS OF
7 THE RECREATIONAL ACTIVITY. A RELEASE UNDER THIS SECTION DOES NOT
8 LIMIT THE LIABILITY OF THE SPONSOR, ORGANIZER, OWNER, LESSEE, OR
9 OTHER PERSON RELEASED FOR THE SPONSOR'S, ORGANIZER'S, OWNER'S,
10 LESSEE'S, OR OTHER PERSON'S OWN NEGLIGENCE OR THE NEGLIGENCE OF ITS
11 EMPLOYEES OR AGENTS THAT CAUSES OR CONTRIBUTES TO THE INJURY OR
12 DEATH.

13 (5) A RELEASE UNDER THIS SECTION SHALL BE IN WRITING.

14 (6) THIS SECTION DOES NOT RESTRICT THE LIMITATION OF LIABILITY
15 AFFORDED BY SECTION 73301 OF THE NATURAL RESOURCES AND
16 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.73301, OR 1964
17 PA 170, MCL 691.1401 TO 691.1419.

18 (7) AS USED IN THIS SECTION, "RECREATIONAL ACTIVITY" MEANS
19 ACTIVE PARTICIPATION IN A RECREATIONAL SPORT.