

SENATE BILL No. 923

May 1, 2014, Introduced by Senators JANSEN, JONES, ROBERTSON, HANSEN, BRANDENBURG, MOOLENAAR, PAPPAGEORGE and BOOHER and referred to the Committee on Judiciary.

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
by amending section 5109 (MCL 700.5109), as added by 2011 PA 61.

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 is paid or volunteers to coach or
3 assists in 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 **MAY** limit the liability of the sponsor, organizer, owner, lessee,
9 or 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 **IF THE RELEASE SPECIFICALLY MENTIONS NEGLIGENCE, BUT THE**
13 **RELEASE MAY NOT RELEASE A PERSON FROM LIABILITY FOR THE PERSON'S**
14 **GROSS NEGLIGENCE OR INTENTIONAL ACT.**

15 (5) A release under this section ~~shall~~ **MUST** be in writing.

16 (6) This section does not restrict the limitation of liability
17 afforded by section 73301 of the natural resources and
18 environmental protection act, 1994 PA 451, MCL 324.73301, or 1964
19 PA 170, MCL 691.1401 to 691.1419.

20 (7) As used in this section, "recreational activity" means
21 active participation in an athletic or recreational sport **OR IN**
22 **CAMPING ACTIVITIES.**