



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4175 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Representative Joel Johnson

House Committee: Agriculture

Senate Committee: Agriculture

CONTENT

The bill would amend the Equine Activity Liability Act to revise one of the exceptions to liability protections under the Act, by changing the standard from negligence to willful and wanton disregard for safety.

The Act generally limits the liability of certain people for injury, death, or property damage resulting from an inherent risk of an equine activity (i.e., a danger or condition that is an integral part of an equine activity). The Act contains exceptions under which liability is not limited. One of these exceptions applies when an equine activity sponsor, equine professional, or another person commits a negligent act or omission that constitutes a proximate cause of the injury, death, or damage. Under the bill, this exception would apply when a person who was not an equine activity sponsor or equine professional committed a negligent act or omission that constituted a proximate cause of the injury, death, or damage.

Liability also would not be limited when an equine activity sponsor or equine professional committed an act or omission that constituted a willful or wanton disregard for the safety of the participant, and that was a proximate cause of the injury, death, or damage.

The bill would take effect 90 days after it was enacted.

MCL 691.1665

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government as it would affect private litigation.

Date Completed: 5-20-15

Fiscal Analyst: Steve Angelotti