

# HOUSE BILL No. 5989

May 2, 2002, Introduced by Rep. Callahan and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
(MCL 600.101 to 600.9947) by adding section 2973.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 2973. (1) A PERSON IS LIABLE TO A GOVERNMENTAL UNIT  
2 FOR THE ACTUAL COSTS THAT THE GOVERNMENTAL UNIT INCURS IN RESCU-  
3 ING THE PERSON FROM A BODY OF WATER IN THIS STATE UNDER EITHER OF  
4 THE FOLLOWING CIRCUMSTANCES:

5           (A) THE PERSON FAILS TO HEED SAFETY WARNINGS CONCERNING THE  
6 CONDITION OF THE ICE OR THE WEATHER CONDITIONS ON OR NEAR THE  
7 WATER.

8           (B) A REASONABLE PERSON WOULD REFRAIN FROM ENTERING ONTO THE  
9 ICE OR INTO THE WATER IN LIGHT OF CLIMATE CONDITIONS, THE  
10 CONDITION OF THE ICE, OR BOTH.

1           (2) A PERSON'S LACK OF KNOWLEDGE OF THE SAFETY WARNINGS IS  
2 NOT A DEFENSE TO AN ACTION BROUGHT UNDER THIS SECTION.

3           (3) AS USED IN THIS SECTION:

4           (A) "GOVERNMENTAL UNIT" MEANS A DEPARTMENT OR AGENCY OF THIS  
5 STATE OR OF ANY POLITICAL SUBDIVISION OF THIS STATE, INCLUDING,  
6 BUT NOT LIMITED TO, A COUNTY, CITY, TOWNSHIP, OR VILLAGE.

7           (B) "SAFETY WARNINGS" MEANS WARNINGS ISSUED, POSTED, OR OTH-  
8 ERWISE MADE AVAILABLE TO THE PUBLIC BY A GOVERNMENTAL UNIT.