

**House Bill 4140**

**Sponsor: Rep. David Palsrok**

**Committee: Conservation and Outdoor  
Recreation**

**Complete to 2-6-03**

**A SUMMARY OF HOUSE BILL 4140 AS INTRODUCED 2-4-03**

The bill would amend the Natural Resources and Environmental Protection Act to exempt the owner of a nonmotorized livery boat (generally, a nonmotorized watercraft that is rented or leased for noncommercial uses) from any liability for an injury to, or the death of, a user of such a boat that results from the inherent risks associated with the use or operation of such a boat. Risks inherent to the operation of a nonmotorized livery boat would mean a danger or condition that is an integral part of using or operating such a boat, including (though not limited to) to following:

- Wave or other water motion;
- Weather conditions;
- Contact or maneuvers necessary to avoid contact with another vessel or other man-made object;
- Contact or maneuvers necessary to avoid contact with rock, sand, vegetation, or other natural objects;
- Failure to use or wear a person flotation device or to have lifesaving equipment available, except in an instance when the owner of the boat has failed to provide the requisite flotation devices or lifesaving equipment;
- The actions of a vessel operator, except if the owner knowingly rented or leased a nonmotorized livery boat to a person who was disqualified by law or regulation from operating such a boat; or
- Having a number of persons on the boat in excess of the maximum allowable number approved for the boat, except if the owner knowingly allowed the boat the leave to premises with the excess persons.

MCL 324.44520a

Analyst: M. Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.