



Senate Fiscal Agency  
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BILL ANALYSIS

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House Bill 4140 (Substitute H-2 as passed by the House)  
Sponsor: Representative David Palsrok  
House Committee: Conservation and Outdoor Recreation  
Senate Committee: Judiciary

Date Completed: 5-19-03

### **CONTENT**

The bill would amend the Natural Resources and Environmental Protection Act (NREPA) to specify that an owner of a nonmotorized livery boat would not be liable for an injury to or the death of a user of the nonmotorized livery boat that resulted from a risk inherent in the use or operation of a nonmotorized livery boat.

"Owner of a nonmotorized livery boat" would mean the person who owned the boat; the boat livery that rented, leased, or furnished the boat for use; or the owner's or livery's employee or agent. "User of the nonmotorized livery boat" would mean a person who participated in the use or operation of the nonmotorized livery boat, regardless of whether that person rented or leased the boat.

"Risk inherent in the use or operation of a nonmotorized livery boat" would mean a danger or condition that was an integral part of the use or operation of a nonmotorized livery boat, limited to one or more of the following:

- Wave or other water motion.
- Weather conditions.
- Contact or maneuvers necessary to avoid contact with another vessel or a manmade object in or near the water.
- Malfunction of equipment, except for equipment owned by the owner of the boat.
- Failure to use or wear a personal flotation device or to have lifesaving equipment available, unless the owner of the boat failed to provide the device or equipment when required to do so by law or regulation.
- The actions of a vessel operator, unless the owner leased or rented the boat to an operator who the owner knew or, in the exercise of reasonable care, should have known was disqualified by law or regulation from operating the boat.
- Having on board more than the maximum number of people approved for the boat, unless the owner knowingly allowed the boat to leave the livery's premises with an excess number on board or did not properly inform the user of the maximum weight or number of people approved for the boat.

Proposed MCL 324.44520a

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bethany Wicksall