

Legislative Analysis



LIABILITY FOR RECREATIONAL USER: INCLUDE AVIATION ACTIVITIES

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5178

Sponsor: Rep. Peter Pettalia

Committee: Judiciary

Complete to 3-19-14

A SUMMARY OF HOUSE BILL 5178 AS INTRODUCED 12-5-13

Under the bill, a person who is injured in an aviation activity, including a passenger or spectator, could not sue a landowner or tenant of the premises where the injury occurred if the person had not paid the landowner or tenant for the recreational use of the premises, whether or not the person had permission to be on the premises. If the injuries were caused by the gross negligence or willful misconduct of the owner or tenant, an action could be brought.

"Aviation activity" would mean the noncommercial operation, and related acts in the air and on the ground, of an aircraft, including, but not limited to, a motorized or nonmotorized fixed wing aircraft, helicopter, balloon, hang glider, or parasail. The term includes participation in the operation or related acts as a passenger or spectator.

Currently, under the Natural Resources and Environmental Protection Act, liability for injuries sustained during recreational activities is already similarly restricted for persons engaging in fishing, hunting, trapping, camping, hiking, sightseeing, motorcycling, snowmobiling, or any other outdoor recreational use or trail use, with or without permission, against the owner, tenant, or lessee of the land.

MCL 324.73301

FISCAL IMPACT:

The bill would have no direct fiscal impact on state or local units of government.

Legislative Analyst: Susan Stutzky

Fiscal Analyst: William E. Hamilton

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