

# HOUSE BILL No. 4262

February 11, 1997, Introduced by Reps. Llewellyn, McBryde, Gernaat, Walberg and Hammerstrom and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106), by amending the title and by adding  
section 44522a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

### TITLE

2

An act to protect the environment and natural resources of

3

the state; to codify, revise, consolidate, and classify laws

4

relating to the environment and natural resources of the state;

5

to regulate the discharge of certain substances into the environ-

6

ment; to regulate the use of certain lands, waters, and other

7

natural resources of the state; to prescribe the powers and

8

duties of certain state and local agencies and officials; TO

9

PROVIDE FOR THE ASSUMPTION OF RISK RELATING TO THE USE OF CERTAIN

10

VESSELS; to provide for certain charges, fees, and assessments;

00194'97

VPW

1 to prescribe penalties and provide remedies; ~~to repeal certain~~  
2 ~~parts of this act on a specific date;~~ and to repeal ~~certain~~  
3 acts and parts of acts.

4 SEC. 44522A. (1) THE OPERATOR OF A BOAT LIVERY THAT OFFERS  
5 TO RENT OR LEASE A CLASS E VESSEL FOR USE ON THE WATERS OF THIS  
6 STATE SHALL DO ALL OF THE FOLLOWING:

7 (A) POST IN CONSPICUOUS LOCATIONS A NOTICE SPECIFYING THAT A  
8 PERSON WHO OPERATES A CLASS E VESSEL RENTED OR LEASED FROM A BOAT  
9 LIVERY ACCEPTS THOSE DANGERS INHERENT IN CLASS E VESSEL OPERATION  
10 DESCRIBED IN SUBSECTION (2).

11 (B) REASONABLY MAINTAIN EACH POSTED NOTICE DESCRIBED IN SUB-  
12 DIVISION (A).

13 (C) MAINTAIN IN A REASONABLY PRUDENT MANNER EACH CLASS E  
14 VESSEL AND ARTICLE OF EQUIPMENT ASSOCIATED WITH THE VESSEL THAT  
15 THE BOAT LIVERY OPERATOR OFFERS OR MAKES AVAILABLE TO THE  
16 PUBLIC.

17 (D) WARN A PERSON WHO INTENDS TO OPERATE A CLASS E VESSEL  
18 RENTED OR LEASED FROM THE BOAT LIVERY OF A KNOWN WATER-RELATED  
19 CONDITION THAT MAY ENDANGER THE PERSON.

20 (2) A PERSON WHO OPERATES A CLASS E VESSEL RENTED OR LEASED  
21 FROM A BOAT LIVERY OPERATOR WHO COMPLIES WITH SUBSECTION (1)  
22 ACCEPTS THE DANGERS INHERENT IN CLASS E VESSEL OPERATION THAT ARE  
23 OBVIOUS AND NECESSARY, WHICH INCLUDE BUT ARE NOT LIMITED TO THE  
24 RISK OF INJURY FROM ANY OF THE FOLLOWING:

25 (A) CAPSIZING, UNLESS THE CAPSIZING WAS DUE TO A DEFECTIVE  
26 VESSEL OR DEFECTIVE EQUIPMENT RENTED OR LEASED FROM THE BOAT  
27 LIVERY OPERATOR.

- 1 (B) STRIKING OBJECTS ABOVE OR BENEATH THE WATER.
- 2 (C) LOSS OF CONTROL OF THE VESSEL DUE TO A CURRENT OR OTHER
- 3 WATER CONDITION, UNLESS THE LOSS OF CONTROL WAS THE RESULT OF A
- 4 DEFECTIVE VESSEL OR DEFECTIVE EQUIPMENT LEASED FROM THE BOAT
- 5 LIVERY OPERATOR.
- 6 (D) FAILURE TO HEED A CLEARLY POSTED SIGN OR WARNING.