

HOUSE BILL No. 4407

March 10, 1999, Introduced by Rep. Callahan and referred to the Committee on Family and Civil Law.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding section 2969.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2969. (1) A PERSON IS LIABLE TO PAY THE ACTUAL COSTS
2 THAT A GOVERNMENTAL UNIT INCURS IN RESCUING THE PERSON IN PERIL
3 FROM A BODY OF WATER IN THIS STATE UNDER EITHER OF THE FOLLOWING
4 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 A CAUSE OF 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) "PERSON" MEANS ANY INDIVIDUAL.

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