

# HOUSE BILL No. 4635

May 4, 1999, Introduced by Reps. Green, DeHart, Law, Ehardt, Richner, Bovin, Pappageorge, Voorhees and Scranton and referred to the Committee on Conservation and Outdoor Recreation.

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.