



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 281 (as enacted)
Sponsor: Senator Joe Hune
Senate Committee: Judiciary
House Committee: Judiciary

PUBLIC ACT 221 of 2011

Date Completed: 8-14-13

RATIONALE

Since May 1, 2010, Michigan law has prohibited smoking in workplaces, including bars, restaurants, and recreation and entertainment venues. Consequently, bowling center patrons, like restaurant and bar guests, must go outside if they wish to smoke. This poses a unique problem for bowling centers, however, because of the need for specialized footwear to participate in bowling. If bowlers go outside to smoke while wearing bowling shoes, they might track debris and moisture back into the building, which can cause hazardous footing conditions and might lead to slip-and-fall injuries. As a result, bowling proprietors became concerned that their exposure to liability for injuries occurring on the premises would increase. It was suggested, therefore, that bowling proprietors be granted immunity from liability for injuries caused by substances tracked in on bowling shoes, if the proprietors post a notice about the dangers associated with wearing bowling shoes outside.

CONTENT

The bill created the "Bowling Center Act" to require a bowling center operator to post a specific notice about the danger of wearing bowling shoes outside; and provide the operator with immunity from civil liability for injuries to a bowler due to a slip and fall inside the bowling center that resulted from outside use of bowling shoes.

The Act took effect on November 15, 2011, and applies only to a cause of action accruing on or after January 1, 2012.

Specifically, the Act requires a bowling center operator to post a conspicuous notice in a conspicuous place near each entrance to and exit from a bowling center. The notice must read as follows:

"Do not wear bowling shoes outside. Bowling shoes are specialized footwear for indoor use only. Bowling shoes worn outside may be affected by substances or materials including but not limited to snow, ice, rain, moisture, food, or debris that may cause the person wearing the bowling shoes to slip, trip, stumble, or fall on the floor or alley surfaces inside the bowling center. Michigan law makes a bowling center posting this notice immune from liability for such an injury."

If an operator posts the required notice, the operator is not civilly liable for injuries to a bowler resulting from a slip, trip, stumble, or fall inside the bowling center substantially caused by a substance or material on the bowler's bowling shoes that was acquired outside the bowling center before the bowler entered or re-entered the bowling center.

This protection from liability does not apply if the injury results from acts or omissions amounting to willful or wanton misconduct or if the operator fails to maintain the premises in a reasonably safe condition and that condition substantially causes the bowler's injury.

FISCAL IMPACT

The bill may have a negligible impact on the court system if it results in fewer lawsuits.

Fiscal Analyst: Dan O'Connor

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

With the implementation of Michigan's indoor smoke-free air law, bowling proprietors across the State were concerned about their exposure to liability for slip-and-fall injuries on their premises. While bowling shoes are never intended to be worn outside, there is an increased possibility that bowling patrons may do just that since they are now required to leave the building if they want to smoke. When snow, dirt, or other debris is carried into a bowling center on bowling shoes improperly worn outdoors, it can lead to an increased risk of injury to bowlers inside the building. Bowling center owners and operators should be protected from liability for such injuries. The bill provides an appropriate level of immunity, by excusing bowling proprietors from liability for injuries to bowlers who wear their bowling shoes outside, if the bowling center operators post a specific notice warning customers not to do so.

Response: The immunity provision may be too restrictive. Unless the shoes are preserved as evidence, a bowling center defendant in an injury claim might not be able to invoke the immunity protection because of the difficulty of demonstrating that the substance on a bowler's shoes that led to the injury came from outside.

Opposing Argument

If the bill's immunity protection is applied broadly, it might offer a bowling center operator too much protection from liability. The immunity provision may end up protecting bowling proprietors from liability for injuries caused by a beer spill or water on the bathroom floor, for instance, if the person who slipped on a spill had just come in from outdoors.

Response: The liability protection does not apply if the bowling center operator fails to maintain the premises in a reasonably safe condition and that condition substantially causes an injury to a bowler.

Legislative Analyst: Patrick Affholter

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.