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Senate Bill 524 (as introduced 6-28-11)
Sponsor: Senator John Proos
Committee: Judiciary

Date Completed: 10-24-11

CONTENT

The bill would amend the Good Samaritan law to provide limited civil immunity to an on-duty certified lifeguard who performed lifeguarding activities or rendered other emergency care.

Under the Good Samaritan law, certain medical professionals who render emergency care in good faith at the scene of an emergency, and certain others who provide emergency care in particular situations, are not liable for civil damages as a result of acts or omissions in rendering that care, except for acts or omissions amounting to gross negligence or willful and wanton misconduct.

Under the bill, an individual who was certified as a lifeguard by a certifying organization and who, while on duty as a lifeguard, performed lifeguarding activities or rendered other emergency care would not be liable for civil damages that resulted from an act or omission associated with those activities or that care, unless the act or omission were the result of gross negligence or willful misconduct.

"Certifying organization" would mean any of the following:

- The American Red Cross.
- The Starfish Aquatics Institute.
- The Young Men's Christian Association.
- The National Aquatic Safety Company.
- Jeff Ellis & Associates, Inc.
- Any similar organization that certifies lifeguards.

Proposed MCL 691.1506

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. To the extent that the bill shielded lifeguards employed by local units of government from civil liability, local governments could retain revenue that may have otherwise been used to pay civil damages and related costs.

Fiscal Analyst: Matthew Grabowski

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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.