

HOUSE BILL No. 5900

September 13, 2012, Introduced by Rep. Gilbert and referred to the Committee on Judiciary.

A bill to provide for liability for injuries sustained in organized recreational activities; to provide protection from liability in certain circumstances; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "recreational activity liability act".

3 Sec. 2. As used in this act:

4 (a) "Person" means an individual, partnership, corporation,
5 association, or other nongovernmental legal entity.

6 (b) "Wanton misconduct" means conduct or a failure to act that
7 shows such indifference to whether harm will result as to be equal
8 to a willingness that harm will result.

9 (c) "Willful misconduct" means conduct or a failure to act

1 that was intended to harm the injured individual.

2 Sec. 3. (1) Subject to subsection (3), a person described in
3 subsection (2) is not liable for damages for personal injury,
4 including death, that result from the injured individual's
5 participation in an organized recreational activity.

6 (2) The protection from liability afforded by subsection (1)
7 applies to a person who is 1 or more of the following:

8 (a) A co-participant in the recreational activity.

9 (b) A coach of the recreational activity.

10 (c) An organizer or sponsor of the recreational activity,
11 including a team or league.

12 (3) The protection from liability afforded by subsection (1)
13 does not apply if the conduct of the person described in subsection
14 (2) that results in the injury constitutes willful or wanton
15 misconduct.