

Legislative Analysis



LIABILITY FOR RECREATIONAL USER: ADD AVIATION ACTIVITIES

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House Bill 4244 as introduced
Sponsor: Rep. Peter Pettalia
Committee: Judiciary
Complete to 3-9-15

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Under the bill, which would amend the Natural Resources and Environmental Protection Act, a person who is injured in an aviation activity, including a passenger or spectator, could not sue a landowner or tenant of the premises where the injury occurred if the person had not paid the landowner or tenant for the recreational use of the premises, whether or not the person had permission to be on the premises. However, if the injuries were caused by the gross negligence or willful misconduct of the owner or tenant, an action could be brought.

Currently, under the Natural Resources and Environmental Protection Act, liability for injuries sustained during recreational activities is already similarly restricted for persons engaging in fishing, hunting, trapping, camping, hiking, sightseeing, motorcycling, snowmobiling, or any other outdoor recreational use or trail use, with or without permission, against the owner, tenant, or lessee of the land.

"Aviation activity" would mean the noncommercial operation, and related acts in the air and on the ground, of an aircraft, including, but not limited to, a motorized or nonmotorized fixed wing aircraft, helicopter, balloon, hang glider, or parasail. The term includes participation as a passenger or spectator.

MCL 324.73301

NOTE: A similar bill—House Bill 5178—passed the House in the 2013-14 legislative session. For a discussion of issues based on testimony on that bill, see: <http://www.legislature.mi.gov/documents/2013-2014/billanalysis/House/pdf/2013-HLA-5178-FCF841D9.pdf>

FISCAL IMPACT:

The bill appears to have no direct fiscal impact on the state or local units of government. It would limit private lawsuits.

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