



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4244 (as passed by the House)
Sponsor: Representative Peter Pettalia
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 1-28-16

CONTENT

The bill would amend the Natural Resources and Environmental Protection Act to do the following:

- **Include aviation activities among the recreational uses for which a cause of action does not arise against a property owner for injuries to a person who is on the property without paying for the recreational use of the land.**
- **Provide that liability that otherwise would exist for aviation activities would not be limited for a failure to guard or warn against a known danger.**

Currently, if a person is injured while he or she is on land belonging to another person, with or without permission, and without paying the owner, lessee, or tenant of the land, for the purpose of fishing, hunting, trapping, camping, hiking, sightseeing, motorcycling, snowmobiling, or any other outdoor recreational use or trail use, the person does not have a cause of action against the owner, lessee, or tenant for the injury unless it was caused by the owner's, tenant's, or lessee's gross negligence or willful and wanton misconduct. The bill would add aviation activities to the list of activities covered by that provision.

The bill specifies that it would not limit liability that otherwise would exist for aviation activities if the liability arose from a failure to guard or warn against a known dangerous condition, use, structure, or activity.

The bill would define "aviation activities" as the noncommercial operation, and related acts in the air and on the ground, of an aircraft, including a motorized or nonmotorized fixed wing aircraft, helicopter, balloon, hang glider, or parasail. The term would include participation in the operation or related acts of aviation activities as a passenger or spectator.

The bill would take effect 90 days after the date of enactment.

MCL 324.73301

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergan

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