

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.44520a Nonmotorized livery boat; liability for injury or death to user; notice; definitions.

Sec. 44520a.

(1) An owner of a nonmotorized livery boat is not liable for an injury to or the death of a user of the nonmotorized livery boat resulting from a risk inherent in the use or operation of a nonmotorized livery boat.

(2) An owner of a nonmotorized livery boat shall display in conspicuous locations a notice specifying that a user of the nonmotorized livery boat accepts the risk inherent in the use or operation of a nonmotorized livery boat.

(3) As used in this section:

(a) "Owner of a nonmotorized livery boat" means the person who owns the nonmotorized livery boat, the boat livery that rents or furnishes the nonmotorized livery boat for use, or an employee or agent of the owner or boat livery.

(b) "Risk inherent in the use or operation of a nonmotorized livery boat" means a danger or condition that is an integral part of the use or operation of a nonmotorized livery boat and is limited to 1 or more of the following:

(i) Wave or other water motion.

(ii) Weather conditions.

(iii) Contact or maneuvers necessary to avoid contact with another vessel or a manmade object in or near the water.

(iv) Contact or maneuvers necessary to avoid contact with rock, sand, vegetation, or other natural objects in or near the water.

(v) Malfunction of equipment, except for equipment owned by the owner of a nonmotorized livery boat.

(vi) Failure to use or wear a personal flotation device or to have lifesaving equipment available, except if the owner of a nonmotorized livery boat failed to provide the personal flotation device or lifesaving equipment when required by law to do so.

(vii) The actions of a vessel operator, except if the owner of a nonmotorized livery boat rented the livery boat to an operator who the owner knew or in the exercise of reasonable care should have known was disqualified by law from operating the livery boat.

(viii) Having on board a number of persons or weight of persons, gear, and other items that exceeds the maximum approved for the livery boat, except in any of the following circumstances:

(A) If the owner of a nonmotorized livery boat knowingly relinquished physical control of the livery boat to a user of the nonmotorized livery boat with a number of persons or weight of persons, gear, and other items on board that exceeds the maximum approved for the livery boat or did not properly inform the user of the nonmotorized livery boat of the maximum weight or number of persons approved for the livery boat.

(B) If a nonmotorized livery boat did not display the maximum number of persons or maximum weight of persons, gear, or other items permitted to be carried on board as required under section 44520 when the boat livery owner relinquished physical control of the livery boat to a user of the nonmotorized livery boat.

(c) "User of the nonmotorized livery boat" means an individual who participates in the use or operation of the nonmotorized livery boat regardless of whether the individual rented the nonmotorized livery boat.

History: Add. 2006, Act 183, Imd. Eff. June 12, 2006 ;-- Am. 2012, Act 249, Imd. Eff. July 2, 2012 ;-- Am. 2012, Act 294, Imd. Eff. Aug. 1, 2012

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