Legislative Analysis

CAMPING ACTIVITY:
PARENTAL WAIVER OF LIABILITY FOR MINOR

Senate Bill 672 as passed by the Senate
Sponsor: Sen. Goeff Hansen
House Committee: Judiciary
Senate Committee: Outdoor Recreation and Tourism
Complete to 4-11-16

SUMMARY:

The bill allows the parent or guardian of a minor child to provide a written release from liability before the child participates in a camping activity run by a nongovernmental, nonprofit organization.

Under the Estates and Protected Individuals Code (EPIC), the parent or guardian of a minor may provide a written release before the minor participates in a recreational activity. A "recreational activity" is defined to mean "active participation in a recreational sport." The release applies to liability for economic or noneconomic damages for a personal injury sustained by the minor during the specific recreational sport for which the release is provided, but only applies to liability for injury or death resulting solely from the inherent risks of the sport. A release does not limit the liability for negligence of the subject (minor child) of the release, or the negligence of the organization's employees or agents, that causes or contributes to the injury or death of the minor.

Senate Bill 672 amends EPIC to revise the definition of "recreational activity" to mean active participation in an athletic or recreational sport or in a camping activity. The bill also adds a definition for "camping activity"–an outdoor recreation activity planned and carried out by the owner and operator of a camp.

MCL 700.5109

FISCAL IMPACT:

The bill would have no fiscal impact on the state or on local units of government.

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