

# HOUSE BILL No. 5168

July 14, 2009, Introduced by Reps. Proos, Agema, Tyler, Stamas, Horn, Rogers, Pavlov, Pearce, Polidori, Caul, Schuitmaker, Scripps, Barnett, Sheltroun, Wayne Schmidt, Knollenberg, Lori and Meadows and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1963 PA 17, entitled

"An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health,"

(MCL 691.1501 to 691.1507) by adding section 6.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 6. (1) A PERSON WHO IS CERTIFIED AS A LIFEGUARD BY A  
2 CERTIFYING ORGANIZATION AND WHO, WHILE ON DUTY AS A LIFEGUARD,  
3 PERFORMS LIFEGUARDING ACTIVITIES OR RENDERS OTHER EMERGENCY CARE IS  
4 ONLY LIABLE FOR CIVIL DAMAGES THAT RESULT FROM THE LIFEGUARDING  
5 ACTIVITIES OR EMERGENCY CARE IF THE PERSON FAILS TO DO SOMETHING  
6 THAT A LIFEGUARD OF ORDINARY LEARNING, JUDGMENT, AND SKILL IN THIS  
7 STATE WOULD DO, OR DOES SOMETHING THAT A LIFEGUARD OF ORDINARY

1 LEARNING, JUDGMENT, AND SKILL IN THIS STATE WOULD NOT DO, UNDER THE  
2 SAME OR SIMILAR CIRCUMSTANCES.

3 (2) AS USED IN THIS SECTION, "CERTIFYING ORGANIZATION" MEANS  
4 ANY OF THE FOLLOWING:

5 (A) THE AMERICAN RED CROSS.

6 (B) THE STARFISH AQUATICS INSTITUTE.

7 (C) THE YOUNG MEN'S CHRISTIAN ASSOCIATION.

8 (D) THE NATIONAL AQUATIC SAFETY COMPANY.

9 (E) JEFF ELLIS & ASSOCIATES, INC.

10 (F) ANY SIMILAR ORGANIZATION THAT CERTIFIES LIFEGUARDS.