

SS SCS SB 346 -- WATERCRAFT OUTFITTERS

SPONSOR: Clemens (Ruestman)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 11 to 0 with 2 present.

This substitute gives immunity to outfitters of paddlesport activities for injuries or death to participants due to the inherent risks of paddlesport activities. Outfitters are not immune from liability arising out of an employer-employee relationship. Outfitters are also not immune from liability when an outfitter acts intentionally or negligently, provides unsafe equipment or watercraft, fails to provide a personal flotation device, or fails to exercise ordinary care. All outfitters must post and maintain a warning in a clearly visible location and must include the warning in all contracts with participants.

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that the bill doesn't give paddlesport operators complete immunity, but it does offer protection from claims arising out of activities that happen on the river in areas outside of the control of the outfitters.

Testifying for the bill were Missouri Canoe and Floaters Association; Ozark Heritage Tourism Association; GPD Insurance Agency, LLC; Keyes Canoe Rental; Bass' River Resort; Gasconade Hills Resort; Missouri Campground Association; Mid-Missouri Tourism Association; and Steelville Chamber of Commerce.

OPPOSERS: There was no opposition voiced to the committee.

Amy Woods, Senior Legislative Analyst