

973225316

HOUSE BILL NO. 2143

Offered January 16, 1997

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 5 of Title 29.1 a section numbered 29.1-509.1, relating to liability for canoe rental, etc.

Patrons—Katzen, Guest, Kilgore, Ruff, Tata and Wardrup; Senators: Hawkins and Schrock

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 5 of Title 29.1 a section numbered 29.1-509.1 as follows:

§ 29.1-509.1. Immunity from liability for canoe and kayak rental.

A. For the purposes of this section:

"Outfitter" means any person, corporation, organization, group, club, company or business entity, including any employee or agent thereof, which rents, leases, lends or provides, whether for a fee or not, any canoe, kayak, raft or other nonmotorized watercraft for use by a participant; and

"Participant" means any person, corporation, organization, group, club, or business entity, including any employee, representative or agent thereof, which rents, leases, or uses a canoe, kayak, raft or other nonmotorized watercraft or is a passenger thereon.

B. No outfitter shall knowingly lease, hire, rent or provide a canoe, kayak, raft or other nonmotorized watercraft to any participant if:

1. The combined weight of the participants and equipment exceeds the maximum safety load for the craft based on manufacturer's specifications;

2. The equipment or craft is obviously damaged; or

3. The craft does not contain the required safety equipment.

C. An outfitter shall:

1. Maintain a list of telephone numbers of rescue and law-enforcement authorities specific to each locality including the sheriff or police, rescue squad, fire department, sea rescue squad, United States Coast Guard, or other local, state, or federal emergency agency and notify the appropriate authority when an emergency arises or if the participants have not arrived at a prescribed take-out site or returned to the outfitter's rental or launch site within a reasonable period of time;

2. Provide U.S. Coast Guard-approved personal flotation devices for all participants; and

3. Provide each participant with a clearly readable printed form which informs the participant of the potential danger and the inherent risk of a canoe, kayak, raft or other nonmotorized watercraft activity, the form to be signed by each participant.

D. Any outfitter shall be immune from civil liability for, or resulting from, any act, decision or omission done or made in connection with leasing, renting or providing a canoe, kayak, raft or other nonmotorized watercraft to a participant if it is done or made in good faith and without malicious intent and the outfitter has complied with subsections B and C above.

Nothing in this section shall be construed to grant immunity to any claim by a participant against an outfitter arising from the ownership, maintenance or use of any motor vehicle.

INTRODUCED

HB2143