

March 21, 2007

**S 1279. LIMIT LIABILITY/WHITE-WATER RAFTING.** Filed 3/21/07. *TO LIMIT THE LIABILITY OF PROVIDERS OF WHITE-WATER RAFTING ACTIVITIES IN THIS STATE.*

Enacts new GS 99E-35 through 99E-39 to encourage white-water rafting, kayaking, and canoeing by discouraging claims based on injury, death, or damages resulting from inherent risks in these activities. Provides that persons who participate in white-water rafting, kayaking, and canoeing assume the inherent risks of these activities, whether the risks are known or unknown to the persons, and that the persons participating in these activities are legally responsible for all injuries, deaths, or damages to the persons or property resulting from the inherent risks of white-water rafting, kayaking, and canoeing. Exempts a provider of these services from responsibility to eliminate, alter, or control the inherent risks of white-water rafting, kayaking, or canoeing. Does not preclude an action based on negligence of the provider or instruction, or product design or manufacture defect. Does not prevent or limit liability of a white-water rafting, kayaking, or canoeing provider who commits an act or omission that constitutes gross negligence, or willful or wanton disregard for the safety of participants, if that act or omission injures, kills, or damages a participant. Does not negate the use of assumption of risk as an affirmative defense. Provides a definitions section for terms as used in this act. Effective October 1, 2007.

**Intro. by Snow.**

GS 99E