



MISSOURI SENATE

JEFFERSON CITY

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**A Weekly Column for the
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Protecting Canoe Outfitters

JEFFERSON CITY – As we celebrate the first week of summer, it's a good time to review legislation approved by Missouri lawmakers this session which will provide some legal protection to the men and women who provide Missourians with the equipment they need to enjoy our state's free-flowing streams and rivers.

Missouri is known for its miles and miles of beautiful, clear, free-flowing streams and rivers, which attract thousands of outdoor enthusiasts each year. Many of them rent or lease canoes, kayaks and tubes from a paddlesport outfitter to float these waterways.

These outfitters are typically "mom and pop" businesses which rent watercraft and sell soda, ice, snacks and souvenirs to tourists. For many, these rental facilities provide most if not all of the family income. Some have been in business for decades, passing from one generation to the next.

Not everyone who floats, rafts or tubes a Missouri river or stream acts responsibly, however, and lawmakers want to ensure that small business owners are not liable for the irresponsible activity of a few.

Additionally, there are risks associated with watercraft, risks which should be assumed by the canoeist or floater, not by the outfitter. Those risks include changes in water flow or current, submerged rocks, overhanging branches, rock falls, lightning, capsizing or sinking, and attack or bite by an animal. Weather-related injuries such as hypothermia and frostbite in cold weather or heat exhaustion and heat stroke in hot weather are also risks assumed by the outdoor enthusiast.

Senate Bill 346 provides limited liability to outfitters for any injury or death of a person engaged in paddlesport activities resulting from the inherent risks associated with those activities. The act does not protect outfitters who knowingly provide unsafe equipment or watercraft or who fail to provide a U.S. Coast Guard approved personal floatation device.

The act also requires outfitters to post and maintain signs which warn floaters that the outfitter is “not liable for an injury or death of a participant in paddlesport activities resulting from the inherent risks of paddlesport activities.”

Floating Missouri’s streams and rivers is one of the most enjoyable warm-weather activities in our state, but it is not without some risk. By ensuring outdoor enthusiasts are aware of those risks, we can minimize the potential for accidental injury or death. At the same time, lawmakers believe small business owners should not be held liable for circumstances beyond their control. SB 346 strikes the right balance.

If you have questions or comments about this or any other issue, please feel free to contact me at 573-751-8793 or by e-mail at: delbertscott@senate.state.mo.us

Senator Delbert Scott represents the people of Barton, Benton, Cedar, Dallas, Henry, Hickory, Pettis, Polk and St. Clair counties in the Missouri Senate.