

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0497-01
Bill No.: SB 174
Subject: Boats and Watercraft; Civil Procedure; Liability; Merchandising Practices.
Type: Original
Date: January 6, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Attorney General, Office of State Public Defender, Office of State Courts Administrator** and the **Department of Public Safety – Missouri State Water Patrol** each assume the proposed legislation would have no fiscal impact on their respective agencies.

Officials from the **Office of Prosecution Services (OPS)** did not respond to **Oversight's** request for fiscal impact. However, in response to similar legislation from the 2002 session, OPS assumed prosecutors could absorb the costs of the proposed legislation with existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Local Government

FY 2004
(10 Mo.)

FY 2005

FY 2006

\$0

\$0

\$0

FISCAL IMPACT - Small Business

The proposal fiscally impact small businesses, as it would exempt watercraft outfitters from liability in certain situations.

DESCRIPTION

The proposed legislation would exempt watercraft outfitters from liability for the death or injury of paddlesport activity participants resulting from the inherent risk of such an activity unless the outfitter: (1) intentionally injures the participant; (2) commits an act of negligence which proximately causes the death or injury; (3) negligently provides an unsafe watercraft or equipment; or (4) fails to provide a life jacket. The proposal would require every outfitter to post a sign that states the outfitter will not be responsible for the death or injury of a participant resulting from the inherent risks or paddlesport activities. In addition, every contract entered into by an outfitter and a participant must contain the warning.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

RAS:LR:OD (12/02)

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Office of the Attorney General
Office of the State Courts Administrator
Department of Public Safety - Missouri State Water Patrol
Office of the State Public Defender

NOT RESPONDING: Office of Prosecution Services

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
January 6, 2003