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| **Recreational Boating** |
| **Source:** MLA **Doc. No.:** 765 **Date:** May 3, 2002 **Committee:** [RECREATIONAL BOATING](http://www.mlaus.org/committee-profile.ihtml?id=260)   **FORMAL REPORT OF THE COMMITTEE ON**  **RECREATIONAL BOATING**    The Committee met on May 2, 2002, in New York with 43 members and guests present.    We received an interim report from the Working Group on Rules of the Road and Sail Racing Rules. This topic is still a work in progress, and we hope to resolve the issue at a meeting in the near future.    Frank DeGiulio produced our newsletter, Boating Briefs, which was handed out to the members of the Committee and at the general meeting of the Association. We held a general discussion of the recent cases of interest.    The Chair reported on the Association's work, which was then underway, to produce an *amicus* brief in the case of *Sprietsma v. Mercury Marine*. The issue involves whether a jury could find liability when a manufacturer failed to install a guard on a boat propeller which caused injury. The Illinois Supreme Court held that a jury could not do so because the Coast Guard had declined to require guards and its decision preempted state action, including jury-found liability, by virtue of the federal Boat Safety Act. *Sprietsma v. Mercury Marine*, 2002 AMC 609 (Ill. S.Ct. 2001). The opposing view has been presented in an *amicus* brief filed by the Solicitor General and joined in by the Coast Guard. The Association is on the side of the respondent, supporting statutory preemption and the supremacy of the general maritime law of products liability. Our brief has been completed and may be found in the Library section of the MLA Web Page ([www.mlaus.org).](http://www.mlaus.org/(www.mlaus.org).)    We also continued the discussion of issues involved in salvage of recreational boats, which we had begun at the San Diego meeting, and decided to set up a group to explore the subject further to see what our Committee might do with regard to it. This is an issue which sees fairly little light in reported litigation as disputes which cannot be resolved amicable usually are determined in arbitration.    Lastly, we welcomed Tom Russell as the new Chair of the Committee.    Respectfully submitted,    Donald C. Greenman, Chair |