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FISCAL IMPACT REPORT

SPONSOR Komadina DATE TYPED 01/24/05 HB _____

SHORT TITLE Limit Hot Air Balloon Tort SB 159

ANALYST Ford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI		NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

Senate Bill 159 creates the Hot Air Balloon Tort Liability Act, providing that a person shall not recover for an injury which results from the inherent risks in a hot air balloon activity.

Significant Issues

Senate Bill 159 limits liability for an owner, lessee, renter or lawful possessor of a launch site, land site or show site; a hot air balloon activity organizer; and a hot air balloon operator for injury, loss or damage that results from the risks inherent in a hot air balloon activity.

The limitation of liability does not apply if the person:

A. provides hot air balloon equipment and knows or should know that the equipment is faulty and an injury proximately results from the faulty condition of the equipment;

B. provides a hot air balloon and fails to make a reasonable effort to determine the ability of the hot air balloon operator to engage safely in a hot air balloon activity;

C. commits an act or omission that constitutes a reckless disregard for the safety of a hot air balloon operator, passenger or observer and an injury proximately results from the act or omission;
or

D. intentionally injures a hot air balloon operator, passenger or observer

The bill requires a hot air balloon park owner to post a clearly visible warning sign regarding the inherent risks of hot air balloon activities and the limitations of liability.

EF/lg