



SENATE BILL No. 1042

March 2, 1994, Introduced by Senators BERRYMAN,
VAN REGENMORTER, KOIVISTO and BOUCHARD and
referred to the Committee on Judiciary

A bill to amend sections 1 and 5 of Act No 170 of the
Public Acts of 1964, entitled as amended

"An act to make uniform the liability of municipal corporations political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons to define and limit this liability to define and limit the liability of the state when engaged in a proprietary function to authorize the purchase of liability insurance to protect against loss arising out of this liability to provide for defending certain claims made against public officers and paying damages sought or awarded against them to provide for the legal defense of public officers and employees to provide for reimbursement of public officers and employees for certain legal expenses and to repeal certain acts and parts of acts,"

section 1 as amended by Act No 175 of the Public Acts of 1986,
being sections 691 1401 and 691 1405 of the Michigan Compiled
Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 1 and 5 of Act No 170 of the Public
2 Acts of 1964, section 1 as amended by Act No 175 of the Public
3 Acts of 1986, being sections 691 1401 and 691 1405 of the
4 Michigan Compiled Laws, are amended to read as follows

5 Sec 1 As used in this act

6 (A) "EMERGENCY OPERATION" AND "EMERGENCY VEHICLE" MEAN THOSE
7 TERMS AS DEFINED IN SECTION 2 OF THE MODEL EMERGENCY VEHICLE
8 OPERATION POLICY ACT

9 (B) "EMERGENCY VEHICLE OPERATION POLICY" MEANS AN EMERGENCY
10 VEHICLE OPERATION POLICY DEVELOPED OR CERTIFIED PURSUANT TO THE
11 MODEL EMERGENCY VEHICLE OPERATION POLICY ACT

12 ~~(a) "Municipal corporation" means any city, village, town-~~
13 ~~ship or charter township, or any combination thereof, when acting~~
14 ~~jointly-~~

15 ~~(b) "Political subdivision" means any municipal corporation,~~
16 ~~county, county road commission, township, charter township,~~
17 ~~school district community college district, port district, or~~
18 ~~metropolitan district, transportation authority, or any combina-~~
19 ~~tion thereof, when acting jointly, and any district or authority~~
20 ~~authorized by law or formed by 1 or more political subdivisions,~~
21 ~~and any agency, department, court, board, or council of a politi-~~
22 ~~cal subdivision-~~

23 ~~(c) "State" means the state of Michigan and its agencies,~~
24 ~~departments, commissions, courts, boards, councils, statutorily~~
25 ~~created task forces, and shall include every public university~~
26 ~~and college of the state, whether established as a constitutional~~
27 ~~corporation or otherwise-~~

1 (C) ~~-(d)-~~ "Governmental agency" means the state, political
2 subdivisions, and municipal corporations

3 (D) "GOVERNMENTAL FUNCTION" IS AN ACTIVITY THAT IS EXPRESSLY
4 OR IMPLIEDLY MANDATED OR AUTHORIZED BY CONSTITUTION, STATUTE,
5 LOCAL CHARTER OR ORDINANCE, OR OTHER LAW

6 (e) "Highway" means every public highway, road, and street
7 ~~which~~ THAT is open for public travel and ~~shall include~~
8 INCLUDES bridges, sidewalks, crosswalks, and culverts on ~~any~~ A
9 highway ~~The term highway~~ HIGHWAY does not include alleys,
10 trees, and utility poles

11 (f) ~~"Governmental function" is an activity which is~~
12 ~~expressly or impliedly mandated or authorized by constitution,~~
13 ~~statute, local charter or ordinance, or other law~~ "MUNICIPAL
14 CORPORATION" MEANS A CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWN-
15 SHIP, OR ANY COMBINATION OF THEM WHEN ACTING JOINTLY

16 (G) "POLITICAL SUBDIVISION" MEANS A MUNICIPAL CORPORATION,
17 COUNTY, COUNTY ROAD COMMISSION, SCHOOL DISTRICT, COMMUNITY COL-
18 LEGE DISTRICT, PORT DISTRICT, METROPOLITAN DISTRICT, TRANSPORTA-
19 TION AUTHORITY, A DISTRICT OR AUTHORITY AUTHORIZED BY LAW OR
20 FORMED BY 1 OR MORE POLITICAL SUBDIVISIONS, AN AGENCY, DEPART-
21 MENT, COURT, BOARD, OR COUNCIL OF A POLITICAL SUBDIVISION, OR
22 COMBINATION OF THEM WHEN ACTING JOINTLY

23 (H) "STATE" MEANS THE STATE OF MICHIGAN AND ITS AGENCIES,
24 DEPARTMENTS, COMMISSIONS, COURTS, BOARDS, COUNCILS, AND STATUTO-
25 RILY CREATED TASK FORCES, INCLUDES EVERY PUBLIC UNIVERSITY AND
26 COLLEGE OF THE STATE, WHETHER ESTABLISHED AS A CONSTITUTIONAL
27 CORPORATION OR OTHERWISE

1 (I) ~~-(g)-~~ "Volunteer" means an individual who is
 2 specifically designated as such and who is acting solely on
 3 behalf of a governmental agency

4 Sec 5 (1) ~~Governmental agencies shall be~~ EXCEPT AS OTH-
 5 ERWISE PROVIDED IN THIS SECTION, A GOVERNMENTAL AGENCY IS liable
 6 for bodily injury and property damage resulting from the negli-
 7 gent operation by ~~any~~ AN officer, agent or employee of the
 8 governmental agency, of a motor vehicle of which the governmental
 9 agency is owner ~~—~~

10 (2) IF A CAUSE OF ACTION UNDER THIS SECTION INVOLVES AN
 11 EMERGENCY VEHICLE AND THE EMERGENCY VEHICLE WAS ENGAGED IN AN
 12 EMERGENCY OPERATION AT THE TIME OF THE OCCURRENCE THAT RESULTED
 13 IN THE BODILY INJURY OR PROPERTY DAMAGE, THE GOVERNMENTAL
 14 AGENCY'S LIABILITY FOR DAMAGES IS LIMITED AS PROVIDED IN
 15 SECTION 1484 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO 236
 16 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600 1484 OF THE
 17 MICHIGAN COMPILED LAWS

18 (3) AS USED IN THIS SECTION, "OWNER" MEANS THAT TERM as
 19 defined in SECTION 37 OF THE MICHIGAN VEHICLE CODE, Act No 300
 20 of the Public Acts of 1949 as amended, being ~~sections 257-1 to~~
 21 ~~257-923~~ SECTION 257 37 of the MICHIGAN Compiled Laws ~~—of~~
 22 ~~1948—~~

23 Section 2 This amendatory act shall not take effect unless
 24 all of the following bills of the 87th Legislature are enacted
 25 into law

26 (a) Senate Bill No _____ or House Bill No _____
 27 (request no 00188'93 ***)

1 (b) Senate Bill No 1041