

**SUBSTITUTE FOR
HOUSE BILL NO. 4793**

A bill to amend 1964 PA 170, entitled

"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,"

by amending section 1 (MCL 691.1401), as amended by 1999 PA 205.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Municipal corporation" means a city, village, or
- 3 township or a combination of 2 or more of these when acting
- 4 jointly.

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1 (b) "Political subdivision" means a municipal corporation,
2 county, county road commission, school district, community col-
3 lege district, port district, metropolitan district, or transpor-
4 tation authority or a combination of 2 or more of these when
5 acting jointly; a district or authority authorized by law or
6 formed by 1 or more political subdivisions; or an agency, depart-
7 ment, court, board, or council of a political subdivision.

8 (c) "State" means the state of Michigan and its agencies,
9 departments, commissions, courts, boards, councils, and statuto-
10 rily created task forces and includes every public university and
11 college of the state, whether established as a constitutional
12 corporation or otherwise.

13 (d) "Governmental agency" means the state or a political
14 subdivision.

15 (e) "Highway" means a public highway, road, or street that
16 is open for public travel and includes bridges, sidewalks, trail-
17 ways, crosswalks, and culverts on the highway. The term highway
18 does not include alleys, trees, and utility poles.

19 (f) "Governmental function" is an activity that is expressly
20 or impliedly mandated or authorized by constitution, statute,
21 local charter or ordinance, or other law. GOVERNMENTAL FUNCTION
22 INCLUDES AN ACTIVITY, AS DIRECTED OR ASSIGNED BY HIS OR HER
23 PUBLIC EMPLOYER FOR THE PURPOSE OF PUBLIC SAFETY, PERFORMED ON
24 PUBLIC OR PRIVATE PROPERTY BY A SWORN LAW ENFORCEMENT OFFICER
25 WITHIN THE SCOPE OF THE LAW ENFORCEMENT OFFICER'S AUTHORITY.

26 (g) "Township" includes charter township.

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Sub. HB 4793 (H-1) as amended June 28, 2001

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1 (h) "Volunteer" means an individual who is specifically
2 designated as a volunteer and who is acting solely on behalf of a
3 governmental agency.

[Enacting section 1. The provisions of this amendatory act do not limit or reduce the scope of a governmental function as defined by statute or common law.]