

HOUSE BILL No. 4793

May 17, 2001, Introduced by Reps. Richner, Howell, Gosselin and Godchaux and referred to the Committee on Civil Law and the Judiciary.

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.

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, BUT IS NOT LIMITED TO, AN ACTIVITY PERFORMED ON PUBLIC
23 OR PRIVATE PROPERTY BY A SWORN LAW ENFORCEMENT OFFICER WITHIN THE
24 SCOPE OF THE LAW ENFORCEMENT OFFICER'S AUTHORITY AS DIRECTED OR
25 ASSIGNED BY HIS OR HER PUBLIC EMPLOYER FOR THE PURPOSE OF PUBLIC
26 SAFETY.

1 (g) "Township" includes charter township.

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