

HOUSE BILL No. 5311

November 13, 2003, Introduced by Reps. Hune, Ward, Stahl, Stakoe, Casperson, Walker, Hoogendyk, DeRoche, Sheen, Gaffney, Nofs, Amos, Vander Veen, Voorhees, LaJoy, Robertson, Shaffer, Garfield, Brandenburg, Hummel, Acciavatti, Ehardt and Rocca and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2155.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2155. (1) A statement, writing, or action that
2 expresses sympathy, compassion, commiseration, or a general sense
3 of benevolence relating to the pain, suffering, or death of an
4 individual involved in an accident and that is made to that
5 individual or to the individual's family is inadmissible as
6 evidence of an admission of liability in a civil action.

7 (2) This section does not apply to a statement of fault that
8 is part of or made in addition to a statement, writing, or action
9 described in subsection (1).

10 (3) As used in this section:

11 (a) "Accident" means an occurrence resulting in injury or

1 death to an individual that is not the result of a willful act.

2 (b) "Family" means spouse, parent, grandparent, stepmother,
3 stepfather, child, adopted child, grandchild, brother, sister,
4 half brother, half sister, father-in-law, or mother-in-law.