

HOUSE BILL No. 5439

January 14, 1992, Introduced by Rep. Porreca and referred to the Committee on Towns and Counties.

A bill to provide limited civil immunity to certain municipalities in regard to certain recycling operations of the municipality.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Municipality" means a county, city, township, or
3 village.

4 (b) "Recyclable materials", "site separated materials", and
5 "source separated materials" have the meanings attributed to
6 these terms in the solid waste management act, Act No. 641 of the
7 Public Acts of 1978, being sections 299.401 to 299.437 of the
8 Michigan Compiled Laws.

9 (c) "Recycling facility" means any location owned or
10 operated by a municipality that handles or processes recyclable
11 materials.

1 Sec. 2. A municipality or the employee of a municipality
2 who engages in processing or handling recyclable materials within
3 the jurisdiction of that municipality is not liable in a civil
4 action for damages that result from the operation of the recycl-
5 ing facility or from the materials redistributed by the recycling
6 facility unless the act or omission of the municipality or its
7 employee was the result of gross negligence or willful
8 misconduct.