

HOUSE BILL No. 5994

June 30, 1992, Introduced by Rep. Bennane and referred to the Committee on Judiciary.

A bill to amend 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,"

as amended, being sections 691.1401 to 691.1415 of the Michigan Compiled Laws, by adding section 7a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 170 of the Public Acts of 1964, as
2 amended, being sections 691.1401 to 691.1415 of the Michigan

1 Compiled Laws, is amended by adding section 7a to read as
2 follows:

3 SEC. 7A. (1) NOTWITHSTANDING SECTION 7, A GOVERNMENTAL
4 AGENCY IS LIABLE FOR BODILY INJURY OR PROPERTY DAMAGE RESULTING
5 FROM AN ACT OR OMISSION OF THE GOVERNMENTAL AGENCY THAT IS CRUEL,
6 BARBARIC, INHUMANE, AND SO OUTRAGEOUS AS TO SHOCK THE CONSCIENCE
7 OF THE AVERAGE PERSON.

8 (2) NOTWITHSTANDING SECTION 7, A GOVERNMENTAL AGENCY IS
9 LIABLE FOR BODILY INJURY OR PROPERTY DAMAGE RESULTING FROM AN ACT
10 OR OMISSION BY AN OFFICER OR EMPLOYEE OF THE GOVERNMENTAL AGENCY
11 THAT IS CRUEL, BARBARIC, INHUMANE, AND SO OUTRAGEOUS AS TO SHOCK
12 THE CONSCIENCE OF THE AVERAGE PERSON IF THE GOVERNMENTAL AGENCY
13 KNEW OR SHOULD HAVE KNOWN THE ACT OR OMISSION WAS OCCURRING, OR
14 WAS LIKELY TO OCCUR, AND THE GOVERNMENTAL AGENCY DID NOT PREVENT
15 THE OCCURRENCE.