

SENATE BILL No. 383

June 12, 1991, Introduced by Senators WARTNER, EHLERS
and MC MANUS and referred to the Committee on Judiciary.

A bill to amend the title and section 21 of Act No. 283 of
the Public Acts of 1909, entitled as amended

"An act to revise, consolidate and add to the laws relating to
the establishment, opening, discontinuing, vacating, closing,
altering, improvement, maintenance and use of the public highways
and private roads, the condemnation of property and gravel there-
for; the building, repairing and preservation of bridges; setting
and protecting shade trees, drainage, cutting weeds and brush
within this state, and providing for the election or appointment
and defining the powers, duties and compensation of state,
county, township and district highway officials,"

being section 224.21 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Section 1. The title and section 21 of Act No. 283 of the
- 2 Public Acts of 1909, being section 224.21 of the Michigan
- 3 Compiled Laws, are amended to read as follows:

TITLE

1
2 An act to revise, consolidate and add to the laws relating
3 to the establishment, opening, discontinuing, vacating, closing,
4 altering, improvement, maintenance and use of the public highways
5 and private roads, AND the condemnation of property and gravel
6 therefor; TO PROVIDE FOR the building, repairing and preservation
7 of bridges; TO PROVIDE FOR THE setting and protecting shade
8 trees, drainage, cutting weeds and brush within this state; ~~—~~
9 ~~and providing~~ TO PROVIDE for the election or appointment and
10 ~~defining~~ TO DEFINE the powers, duties and compensation of
11 state, county, township and district highway officials; AND TO
12 PRESCRIBE CERTAIN LIMITATIONS ON CERTAIN CIVIL ACTIONS.

13 Sec. 21. (1) ~~said~~ A board of county road commissioners
14 shall ~~have no power to~~ NOT contract indebtedness for any amount
15 in excess of the ~~moneys~~ MONEY credited to ~~such~~ THE board and
16 actually in the hands of the county treasurer, ~~—:— Provided,~~
17 ~~That~~ EXCEPT THAT the board may incur liability to complete roads
18 under construction and upon contracts, after a tax is voted, to
19 an amount not exceeding 3/4 of ~~the said~~ THAT tax. ~~It is~~
20 ~~hereby made the duty of the counties to~~

21 (2) A COUNTY SHALL keep in reasonable repair, so that they
22 ~~shall be~~ ARE reasonably safe and convenient for public travel,
23 all county roads, bridges, and culverts that are within their
24 jurisdiction and under their care and control and which are open
25 to public travel. The provisions of law respecting the liability
26 of townships, cities, villages, and corporations for damages for
27 injuries resulting from a failure in the performance of ~~the~~

1 ~~same~~ THAT duty respecting roads under their control ~~,~~ shall
 2 apply to counties adopting ~~such~~ A county road system. ~~Actions~~
 3 ~~arising thereunder~~ AN ACTION DESCRIBED IN THIS SUBSECTION shall
 4 be brought against the board of county road commissioners of the
 5 county, and service shall be made upon the clerk and upon the
 6 ~~chairman~~ CHAIRPERSON of the board made defendant ~~therein~~ IN
 7 THE ACTION, which shall be named in the process as the "board of
 8 county road commissioners of the county of
 9". ~~and any~~ ANY judgment obtained
 10 ~~thereon~~ against ~~such~~ A board of county road commissioners IN
 11 AN ACTION DESCRIBED IN THIS SUBSECTION shall be audited and paid
 12 from the county road fund as are other claims against such board
 13 of county road commissioners, ~~:- Provided, however, That no~~
 14 EXCEPT THAT A board of county road commissioners, subject to any
 15 liability under this section, shall NOT be liable for damages
 16 sustained by any person upon any county road, either to his OR
 17 HER person or property, by reason of any defective county road,
 18 bridge, or culvert under the jurisdiction of the board of county
 19 road commissioners, unless ~~such~~ THE person ~~shall serve~~ SERVES
 20 or ~~cause~~ CAUSES to be served within 60 days after ~~such~~ THE
 21 injury ~~shall have~~ HAS occurred, a notice in writing upon the
 22 clerk and upon the ~~chairman~~ CHAIRPERSON of the board of county
 23 road commissioners of ~~such~~ THE board, which notice shall set
 24 forth substantially the time when and place where ~~such~~ THE
 25 injury took place, the manner in which it occurred, and the
 26 extent of ~~such~~ THE injuries as far as the ~~same~~ EXTENT OF THE
 27 INJURIES has become known, the names of the witnesses to ~~said~~

1 THE accident, if any, and that the person receiving ~~such~~ THE
2 injury intends to hold ~~such~~ THE county liable for ~~such~~ dam-
3 ages as may have been sustained by him OR HER.

4 (3) A PERSON WHO IS THE DRIVER OF A VEHICLE THAT IS INVOLVED
5 IN AN ACCIDENT FOR WHICH THE PERSON IS AWARDED DAMAGES IN AN
6 ACTION DESCRIBED IN SUBSECTION (2) SHALL HAVE HIS OR HER AWARD OF
7 DAMAGES REDUCED BY THE COURT BY 90% IF THE TRIER OF FACT DETER-
8 MINES THAT ANY OF THE FOLLOWING CONDITIONS APPLY:

9 (A) THE PERSON WAS NOT WEARING A SAFETY BELT AT THE TIME OF
10 THE ACCIDENT.

11 (B) THE PERSON HAD A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE
12 AT THE TIME OF THE ACCIDENT.

13 (4) It is the intention that ~~the provisions of~~ this sec-
14 tion shall apply to all county roads whether ~~such~~ THOSE roads
15 become county roads under chapter ~~4~~ IV of the general highway
16 ~~laws~~ LAW, Act No. 283 of the Public Acts of 1909, as amended,
17 BEING SECTIONS 224.1 TO 224.32 OF THE MICHIGAN COMPILED LAWS, or
18 under ~~the provisions of the Covert Act, so called, the same~~
19 ~~being~~ Act No. 59 of the Public Acts of 1915, as amended, BEING
20 SECTIONS 247.418 TO 247.481 OF THE MICHIGAN COMPILED LAWS.

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