# HOUSE BILL No. 5355

February 17 1994 Introduced by Reps Jondahl Parks Olshove and Rivers and referred to the Committee on House Oversight and Ethics

A bill to amend Act No 328 of the Public Acts of 1931,

entitled as amended

"The Michigan penal code,'

as amended, being sections 750 1 to 750 568 of the Michigan

Compiled Laws, by adding section 502d

### THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1    Section 1   Act No  328 of the Public Acts of 1931, as

2 amended, being sections 750 1 to 750 568 of the Michigan Compiled

3 Laws, is amended by adding section 502d to read as follows

4    SEC  502D   (1) A PERSON WHO MANUFACTURES OR DISTRIBUTES IN

5 THIS STATE OR CAUSES TO BE MANUFACTURED OR DISTRIBUTED IN THIS

6 STATE A PRODUCT OR DEVICE THAT HE OR SHE KNOWS IS A DANGEROUSLY

7 DEFECTIVE PRODUCT OR DEVICE IS GUILTY OF A CRIME PUNISHABLE AS

8 PROVIDED IN SUBSECTION (3)

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1      (2) A PERSON WHO MANUFACTURES OR DISTRIBUTES IN THIS STATE

2 OR CAUSES TO BE MANUFACTURED OR DISTRIBUTED IN THIS STATE A

3 PRODUCT OR DEVICE, AND WHO, AFTER MANUFACTURING OR DISTRIBUTING

4 THAT PRODUCT OR DEVICE, DISCOVERS THE PRODUCT OR DEVICE IS A DAN-

5 GEROUSLY DEFECTIVE PRODUCT OR DEVICE, AND WHO FAILS TO IMMEDI-

6 ATELY RECALL THE PRODUCT OR DEVICE IS GUILTY OF A CRIME PUNISH-

7 ABLE AS PROVIDED IN SUBSECTION (3)

8      (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY

9 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF

10 NOT MORE THAN $1,000,000 00, OR BOTH

11      (4) AS USED IN THIS SECTION

12      (A) 'DANGEROUSLY DEFECTIVE PRODUCT OR DEVICE" MEANS A PROD-

13 UCT OR DEVICE THAT IS DESIGNED OR CONSTRUCTED IN SUCH A MANNER AS

14 TO BE DANGEROUS TO THE HEALTH OR SAFETY OF ANY INDIVIDUAL WHEN

15 USED IN ANY MANNER FOR WHICH THE PRODUCT OR DEVICE IS INTENDED TO

16 BE USED OR MAY FORSEEABLY BE USED

17      (B) "PERSON" MEANS AN INDIVIDUAL HAVING FULL OR PARTIAL

18 AUTHORITY IN A BUSINESS TO PREVENT THE MANUFACTURE OR DISTRIBU-

19 TION OF A PRODUCT OR DEVICE, OR TO REQUIRE THE RECALL OF A PROD-

20 UCT OR DEVICE