

Act No. 101  
Public Acts of 1995  
Approved by the Governor  
June 22, 1995  
Filed with the Secretary of State  
June 23, 1995

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1995**

Introduced by Reps. Jersevic, Lowe, Kaza, Llewellyn, McManus, Bush, Weeks, Brackenridge, Hill, Dalman, Goschka, Voorhees, McBryde, Horton, Anthony, Green, Hammerstrom, Pitoniak, Cropsey, Leland, Middaugh, Gustafson, Olshove and Jaye

# **ENROLLED HOUSE BILL No. 4563**

AN ACT to amend section 492a of Act No. 642 of the Public Acts of 1978, entitled as amended "An act to revise and consolidate the laws relative to the probate of decedents' estates, guardianships, conservatorships, protective proceedings, trusts, and powers of attorney; to prescribe penalties and liabilities; and to repeal certain acts and parts of acts," as added by Act No. 452 of the Public Acts of 1982, being section 700.492a of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 492a of Act No. 642 of the Public Acts of 1978, as added by Act No. 452 of the Public Acts of 1982, being section 700.492a of the Michigan Compiled Laws, is amended to read as follows:

Sec. 492a. (1) If an accident or disaster occurs and, as a result, it appears that an individual has died but his or her remains have disappeared or are unidentifiable, any of the following individuals may file a petition in probate court asking that the court determine the cause and date of death of the individual:

(a) The medical examiner, sheriff, or prosecutor of a county described in subsection (2).

(b) The spouse, next of kin, heir-at-law, legatee, devisee, personal representative, or executor named in a will, or a creditor or debtor of the individual presumed to be deceased.

(2) The probate court of the county in which the accident or disaster or any part of the accident or disaster occurs, or if the accident or disaster occurs upon or within the Great Lakes or their connecting waters, then of the county or counties adjacent to the scene of the accident or disaster, has jurisdiction of matters under this section. If the accident or disaster occurs outside of this state, the probate court of the individual's county of residence has jurisdiction of matters under this section.

(3) A petition to determine the cause and date of death as provided in this section shall not be filed less than 60 days or more than 7 years following the occurrence of the accident or disaster.

(4) A petition under this section shall set forth the facts and circumstances concerning the accident or disaster, the reasons for the belief that the individual died in the accident or disaster, that the individual is unidentifiable or has disappeared, and the names and addresses of all persons known or believed to be heirs-at-law of the individual.

(5) Upon the filing of the petition, the probate court shall fix the time and place for a hearing. The petitioner shall give or cause to be given notice of the hearing, as provided by the rules of the supreme court.

(6) At the hearing upon the petition, the court upon its own motion may, or upon motion of any interested party shall, impanel a jury as provided by law for probate courts. If it is established by a preponderance of the evidence presented at the hearing that an accident or disaster occurred in which the individual named in the petition was killed

or may be presumed to have died, the court shall enter an order establishing the location of the accident or disaster; the date of death; if possible, the time of death; and that the individual is dead.

(7) A certified copy of an order under this section shall be sufficient when presented to the medical examiner for the preparation of a certificate of death. The medical examiner shall forward the completed certificate of death to the state registrar. The state registrar shall register the death pursuant to section 2845 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.2845 of the Michigan Compiled Laws. The state registrar shall forward a copy of the registered death record to the local registrar of the place where the death occurred as established under this section.

Section 2. The legislature intends that this amendatory act apply to a disappearance resulting from an accident or disaster that occurred before, on, or after the effective date of this amendatory act.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.