

Act No. 23
Public Acts of 1996
Approved by the Governor
February 15, 1996
Filed with the Secretary of State
February 16, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Reps. McNutt, Hammerstrom, DeLange, Bobier, McBryde, Horton, Goschka, Randall, Alley, Middaugh, Voorhees, Wetters, Middleton, Dobb, London and Jaye

ENROLLED HOUSE BILL No. 4749

AN ACT to amend section 21 of chapter IV 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 therefor; 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:

Section 1. Section 21 of chapter IV of Act No. 283 of the Public Acts of 1909, being section 224.21 of the Michigan Compiled Laws, is amended to read as follows:

CHAPTER IV

Sec. 21. (1) A board of county road commissioners shall not contract indebtedness for an amount in excess of the money credited to the board and received by the county treasurer. However, the board may incur liability to complete roads under construction and upon contracts, after a tax is voted, to an amount not exceeding 3/4 of the tax.

(2) A county shall keep in reasonable repair, so that they are reasonably safe and convenient for public travel, all county roads, bridges, and culverts that are within the county's jurisdiction, are under its care and control, and are open to public travel. The provisions of law respecting the liability of townships, cities, villages, and corporations for damages for injuries resulting from a failure in the performance of the same duty respecting roads under their control apply to counties adopting the county road system. This subsection is subject to section 82124 of part 821 (snowmobiles) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 321.82124 of the Michigan Compiled Laws, and section 81131 of part 811 (off-road recreation vehicles) of Act No. 451 of the Public Acts of 1994, being section 324.81131 of the Michigan Compiled Laws.

(3) An action arising under subsection (2) shall be brought against the board of county road commissioners of the county and service shall be made upon the clerk and upon the chairperson of the board. The board shall be named in the process as the "board of county road commissioners of the county of". Any judgment obtained against the board of county road commissioners in the action shall be audited and paid from the county road fund as are other claims against the board of county road commissioners. However, a board of county road commissioners is not liable for damages to person or property sustained by a person upon a county road because of a defective county road, bridge, or culvert under the jurisdiction of the board of county road commissioners, unless the person serves or causes

to be served within 60 days after the occurrence of the injury a notice in writing upon the clerk and upon the chairperson of the board of county road commissioners. The notice shall set forth substantially the time when and place where the injury took place, the manner in which it occurred, the known extent of the injury, the names of any witnesses to the accident, and that the person receiving the injury intends to hold the county liable for damages. This section applies to all county roads whether they become county roads under this chapter or under Act No. 59 of the Public Acts of 1915, being sections 247.418 to 247.481 of the Michigan Compiled Laws.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.