

SENATE BILL NO. 1008

March 10, 1998, Introduced by Senator BOUCHARD and referred to the Committee on Government Operations.

A bill to amend 1964 PA 170, entitled

"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,"

by amending section 1 (MCL 691.1401), as amended by 1986 PA 175.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Municipal corporation" means ~~any~~ A city, village,
3 township, ~~or~~ charter township, or ~~any~~ A combination ~~thereof~~
4 OF ANY OF THESE, when acting jointly.

SB 1008, As Passed Senate, May 14, 1998

SB 1008 as amended May 13, 1998

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1 (b) "Political subdivision" means ~~any~~ A municipal
2 corporation, county, county road commission, township, charter
3 township, school district, community college district, port dis-
4 trict, ~~or~~ metropolitan district, transportation authority, or
5 ~~any~~ A combination ~~thereof~~ OF ANY OF THESE, when acting
6 jointly; ~~, and any~~ A district or authority authorized by law or
7 formed by 1 or more political subdivisions; ~~, and any~~ OR AN
8 agency, department, court, board, or council of a political
9 subdivision.

10 (c) "State" means the state of Michigan and its agencies,
11 departments, commissions, courts, boards, councils, AND statuto-
12 rily created task forces. ~~, and shall include every~~ STATE
13 INCLUDES A public university ~~and~~ OR college of ~~the~~ THIS
14 state, whether established as a constitutional corporation or
15 otherwise.

16 (d) "Governmental agency" means ~~the~~ THIS state, political
17 subdivisions OF THIS STATE, and municipal corporations.

18 (e) "Highway" means ~~every~~ A public highway, road, ~~and~~ OR
19 street ~~which~~ THAT is open for public travel. ~~and shall~~
20 ~~include~~ HIGHWAY INCLUDES bridges, sidewalks, crosswalks, and
21 culverts on any highway. The term highway does not include
22 alleys, trees, and utility poles.

23 (f) "Governmental function" ~~is~~ MEANS an activity ~~which~~
24 THAT is expressly or impliedly mandated or authorized by consti-
25 tution, statute, local charter, ~~or~~ LOCAL ordinance, or other
26 law. FOR PURPOSES OF DETERMINING IMMUNITY FROM TORT LIABILITY UNDER
27 SECTION 7, GOVERNMENTAL FUNCTION INCLUDES ANY ACTIVITY PERFORMED ON
PUBLIC OR PRIVATE PROPERTY BY AN ON-DUTY POLICE OFFICER FOR THE
PURPOSE OF PUBLIC SAFETY, THE EXPENSES FOR WHICH ARE CHARGED TO OR
REIMBURSED BY A PRIVATE ENTITY.

1 (g) "Volunteer" means an individual who is specifically
2 designated as ~~such~~ A VOLUNTEER and who is acting solely on
3 behalf of a governmental agency.