

# HOUSE BILL No. 4859

June 3, 1997, Introduced by Reps. Bogardus, Hanley, Brewer, DeHart, Curtis, Wetters, Cherry, Agee, Mathieu, Emerson, Brater, Mans and Goschka and referred to the Committee on Judiciary.

A bill to provide immunity from civil liability to a person who donates a vehicle for use by a local governmental unit or charitable organization.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "vehicle donors immunity act".

3       Sec. 2. As used in this act:

4       (a) "Charitable organization" means a benevolent, education-  
5 al, philanthropic, humane, patriotic, religious, or eleemosynary  
6 organization of persons organized for any lawful purpose or pur-  
7 poses not involving pecuniary profit or gain for its officers or  
8 members.

9       (b) "Local governmental unit" means a county, city, village,  
10 or township within this state.

1 (c) "Person" means an individual, partnership, corporation,  
2 association, or other legal entity.

3 (d) "Vehicle" means a vehicle that is self-propelled or pro-  
4 pelled by an individual.

5 Sec. 3. (1) Except as provided in subsection (2), a person  
6 who on or after January 1, 1998 in good faith donates a vehicle  
7 to a local governmental unit or charitable organization is not  
8 liable in a civil action based on a theory of warranty, negli-  
9 gence, or strict liability in tort for damages incurred resulting  
10 from the use of the vehicle.

11 (2) The immunity provided in subsection (1) does not apply  
12 if 1 of the following is shown:

13 (a) The injury resulted from the willful, wanton, or reck-  
14 less acts or omissions of the donor.

15 (b) The donor had actual or constructive knowledge that the  
16 vehicle or the use of the vehicle was hazardous due to the condi-  
17 tion of the vehicle, and the donor failed to disclose this condi-  
18 tion to the local governmental unit or charitable organization to  
19 which the vehicle was donated.