

**SENATE BILL NO. 1263**

September 15, 1998, Introduced by Senator BOUCHARD and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2917a, 2917b, 2917c, and 2917d.

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

1        SEC. 2917A. (1) ALL OF THE FOLLOWING APPLY IN A CIVIL  
2 ACTION AGAINST AN ENTERTAINMENT FORUM FOR FALSE IMPRISONMENT,  
3 WRONGFUL EJECTION, UNLAWFUL ARREST, ASSAULT, BATTERY, LIBEL, OR  
4 SLANDER, IF THE CLAIM ARISES OUT OF CONDUCT INVOLVING A PERSON  
5 WHO VIOLATED THE TERMS OF HIS OR HER LICENSE FOR ADMISSION TO THE  
6 ENTERTAINMENT FORUM:  
7        (A) IF THE ENTERTAINMENT FORUM HAD PROBABLE CAUSE FOR  
8 BELIEVING AND DID BELIEVE THAT THE PLAINTIFF VIOLATED THE TERMS  
9 OF HIS OR HER LICENSE FOR ADMISSION TO THE ENTERTAINMENT FORUM,  
10 COMPENSATORY DAMAGES, DAMAGES FOR OR RESULTING FROM PERSONAL

1 INJURY OR MENTAL ANGUISH, OR PUNITIVE, EXEMPLARY, OR AGGRAVATED  
2 DAMAGES SHALL NOT BE ALLOWED A PLAINTIFF UNLESS THE PLAINTIFF  
3 ESTABLISHES THAT THE ENTERTAINMENT FORUM DID 1 OR MORE OF THE  
4 FOLLOWING:

5 (i) USED UNREASONABLE FORCE.

6 (ii) DETAINED THE PLAINTIFF AN UNREASONABLE LENGTH OF TIME.

7 (iii) ACTED WITH UNREASONABLE DISREGARD OF THE PLAINTIFF'S  
8 RIGHTS OR SENSIBILITIES.

9 (iv) ACTED WITH INTENT TO INJURE THE PLAINTIFF.

10 (B) SECTIONS 2956 TO 2960 WITH REGARD TO COMPARATIVE  
11 NEGLIGENCE.

12 (2) AS USED IN THIS SECTION:

13 (A) "ENTERTAINMENT FORUM" MEANS AN ARENA, THEATER, CIRCUS,  
14 ATHLETIC GROUNDS USED FOR AN ATHLETIC EVENT OR OTHER FORM OF  
15 PUBLIC ENTERTAINMENT, OR OTHER PLACE OF PUBLIC ENTERTAINMENT,  
16 WITH A SEATING CAPACITY OF NOT LESS THAN 200. ENTERTAINMENT  
17 FORUM INCLUDES AN OWNER, LESSEE, MANAGER, OR OPERATOR OF AN  
18 ENTERTAINMENT FORUM, AN AGENT OF AN ENTERTAINMENT FORUM, OR AN  
19 INDEPENDENT CONTRACTOR PROVIDING SECURITY FOR AN ENTERTAINMENT  
20 FORUM.

21 (B) "VIOLATED THE TERMS OF HIS OR HER LICENSE FOR ADMISSION"  
22 INCLUDES ANY OF THE FOLLOWING ACTS COMMITTED BY A PERSON WHO HAS  
23 BEEN ADMITTED TO AN ENTERTAINMENT FORUM:

24 (i) A FELONY OR MISDEMEANOR UNDER THE LAWS OF THIS STATE.

25 (ii) PHYSICALLY HARMING OR THREATENING TO PHYSICALLY HARM  
26 THE ENTERTAINMENT FORUM OR PERSONS ADMITTED TO THE ENTERTAINMENT  
27 FORUM.

1           (*iii*) A PUBLIC DISTURBANCE.

2           (*iv*) AN ACT IN CLEAR DISREGARD OF THE RIGHTS OR SENSIBILI-  
3 TIES OF OTHER PERSONS ADMITTED TO THE ENTERTAINMENT FORUM.

4           SEC. 2917B. (1) ALL OF THE FOLLOWING APPLY IN A CIVIL  
5 ACTION AGAINST A SHOPPING CENTER FOR FALSE IMPRISONMENT, WRONGFUL  
6 EJECTION, UNLAWFUL ARREST, ASSAULT, BATTERY, LIBEL, OR SLANDER,  
7 IF THE CLAIM ARISES OUT OF CONDUCT INVOLVING A PERSON WHO CREATED  
8 A PUBLIC NUISANCE IN THE SHOPPING CENTER:

9           (A) IF THE SHOPPING CENTER HAD PROBABLE CAUSE FOR BELIEVING  
10 AND DID BELIEVE THAT THE PLAINTIFF CREATED A PUBLIC NUISANCE IN  
11 THE SHOPPING CENTER, COMPENSATORY DAMAGES, DAMAGES FOR OR RESULT-  
12 ING FROM PERSONAL INJURY OR MENTAL ANGUISH, OR PUNITIVE, EXEMPLA-  
13 RY, OR AGGRAVATED DAMAGES SHALL NOT BE ALLOWED A PLAINTIFF UNLESS  
14 THE PLAINTIFF ESTABLISHES THAT THE SHOPPING CENTER DID 1 OR MORE  
15 OF THE FOLLOWING:

16           (*i*) USED UNREASONABLE FORCE.

17           (*ii*) DETAINED THE PLAINTIFF AN UNREASONABLE LENGTH OF TIME.

18           (*iii*) ACTED WITH UNREASONABLE DISREGARD OF THE PLAINTIFF'S  
19 RIGHTS OR SENSIBILITIES.

20           (*iv*) ACTED WITH INTENT TO INJURE THE PLAINTIFF.

21           (B) SECTIONS 2956 TO 2960 WITH REGARD TO COMPARATIVE  
22 NEGLIGENCE.

23           (2) AS USED IN THIS SECTION:

24           (A) "CREATED A PUBLIC NUISANCE" INCLUDES ANY OF THE FOLLOW-  
25 ING ACTS COMMITTED BY A PERSON WHO HAS BEEN ADMITTED TO A SHOP-  
26 PING CENTER:

1 (i) A FELONY OR MISDEMEANOR UNDER THE LAWS OF THIS STATE.

2 (ii) PHYSICALLY HARMING OR THREATENING TO PHYSICALLY HARM  
3 THE SHOPPING CENTER OR PERSONS ADMITTED TO THE SHOPPING CENTER.

4 (iii) A PUBLIC DISTURBANCE.

5 (iv) AN ACT IN CLEAR DISREGARD OF THE RIGHTS OR SENSIBILI-  
6 TIES OF OTHER PERSONS ADMITTED TO THE SHOPPING CENTER.

7 (B) "SHOPPING CENTER" MEANS COMMERCIAL PROPERTY FOR WHICH A  
8 SINGLE LESSOR HAS EXECUTED 2 OR MORE LEASES TO PERSONS ENGAGED IN  
9 THE SALE OF GOODS OR SERVICES, AND FOR WHICH THERE IS A COMMON  
10 PARKING AREA. SHOPPING CENTER INCLUDES AN OWNER, LESSEE, MANAG-  
11 ER, OR OPERATOR OF A SHOPPING CENTER, AN AGENT OF A SHOPPING  
12 CENTER, OR AN INDEPENDENT CONTRACTOR PROVIDING SECURITY FOR A  
13 SHOPPING CENTER.

14 SEC. 2917C. (1) THE OWNER OR OPERATOR OF A HOCKEY FACILITY  
15 IS NOT LIABLE FOR PERSONAL INJURY OR PROPERTY DAMAGE RESULTING  
16 FROM A PERSON BEING STRUCK BY A HOCKEY STICK OR A HOCKEY PUCK AT  
17 THE HOCKEY FACILITY UNLESS 1 OR MORE OF THE FOLLOWING OCCUR:

18 (A) THE PERSON WAS STRUCK WHILE SITUATED BEHIND A SHIELD AND  
19 THE OWNER'S OR OPERATOR'S NEGLIGENCE RENDERED THE SHIELD  
20 DEFECTIVE. A SHIELD IS NOT DEFECTIVE AS A RESULT OF ITS HEIGHT  
21 OR WIDTH.

22 (B) THE PERSON WAS STRUCK AS A RESULT OF THE WILLFUL AND  
23 WANTON MISCONDUCT OF THE OWNER OR OPERATOR OR A HOCKEY PLAYER OR  
24 COACH EMPLOYED BY THE OWNER OR OPERATOR, IN CONNECTION WITH THE  
25 GAME OF HOCKEY.

26 (2) AS USED IN THIS SECTION:

1 (A) "HOCKEY" MEANS THE GAME OF ICE HOCKEY, INCLUDING  
2 PRACTICE, WHETHER OR NOT PLAYED ON A PROFESSIONAL OR AMATEUR  
3 BASIS AND WHETHER OR NOT PLAYED UNDER AN ORGANIZED OR LEAGUE  
4 STRUCTURE OR OUTSIDE OF AN ORGANIZED OR LEAGUE STRUCTURE. HOCKEY  
5 DOES NOT INCLUDE FIELD HOCKEY, ROLLER HOCKEY, OR ANY OTHER FORM  
6 OF HOCKEY THAT IS NOT PLAYED ON ICE.

7 (B) "HOCKEY FACILITY" MEANS A RINK, ARENA, STADIUM, OR OTHER  
8 FACILITY USED FOR HOCKEY, WHETHER OR NOT IT IS USED FOR OTHER  
9 PURPOSES, OWNED BY ANY PUBLIC OR PRIVATE ENTITY, OR ANY COMBINA-  
10 TION OF PUBLIC OR PRIVATE ENTITIES.

11 (C) "SHIELD" MEANS A SCREEN, PROTECTIVE GLASS, OR OTHER SIM-  
12 ILAR SAFETY DEVICE.

13 SEC. 2917D. (1) THE OWNER OR OPERATOR OF A BASEBALL STADIUM  
14 IS NOT LIABLE FOR PERSONAL INJURY OR PROPERTY DAMAGE RESULTING  
15 FROM A PERSON BEING STRUCK BY A BASEBALL BAT OR A BASEBALL AT THE  
16 BASEBALL STADIUM UNLESS 1 OR MORE OF THE FOLLOWING OCCUR:

17 (A) THE PERSON WAS STRUCK WHILE SITUATED BEHIND A SHIELD AND  
18 THE OWNER'S OR OPERATOR'S NEGLIGENCE RENDERED THE SHIELD  
19 DEFECTIVE. A SHIELD IS NOT DEFECTIVE AS A RESULT OF ITS HEIGHT  
20 OR WIDTH.

21 (B) THE PERSON WAS STRUCK AS A RESULT OF THE WILLFUL AND  
22 WANTON MISCONDUCT OF THE OWNER OR OPERATOR OR A BASEBALL PLAYER  
23 OR COACH EMPLOYED BY THE OWNER OR OPERATOR, IN CONNECTION WITH  
24 THE GAME OF BASEBALL.

25 (2) AS USED IN THIS SECTION:

26 (A) "BASEBALL" MEANS THE GAME OF BASEBALL OR SOFTBALL,  
27 INCLUDING PRACTICE, WHETHER OR NOT PLAYED ON A PROFESSIONAL OR

1 AMATEUR BASIS AND WHETHER OR NOT PLAYED UNDER AN ORGANIZED OR  
2 LEAGUE STRUCTURE OR OUTSIDE OF AN ORGANIZED OR LEAGUE STRUCTURE.

3 (B) "BASEBALL STADIUM" MEANS A FIELD, ARENA, STADIUM, OR  
4 OTHER FACILITY USED FOR BASEBALL, WHETHER OR NOT IT IS USED FOR  
5 OTHER PURPOSES, OWNED BY ANY PUBLIC OR PRIVATE ENTITY, OR ANY  
6 COMBINATION OF PUBLIC OR PRIVATE ENTITIES.

7 (C) "SHIELD" MEANS A NET, SCREEN, PROTECTIVE GLASS, OR OTHER  
8 SIMILAR SAFETY DEVICE.