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EXTEND GOVERNMENTAL IMMUNITY

House Bill 5672

Sponsor: Rep. Andrew Richner

Committee: Family and Civil Law

Complete to 4-25-00

A SUMMARY OF HOUSE BILL 5672 AS INTRODUCED 4-20-00

In general, the governmental tort liability act (Public Act 170 of 1964) gives governmental agencies (and their officers, employees, and volunteers) immunity from tort liability when the agency (officer, employee, volunteer) is engaged in the exercise or discharge of a governmental function (or acting on behalf of the agency within the scope of its authority). The bill would extend the immunity granted to agencies, etc. when engaged in the discharge of a governmental function to include situations where the expenses of the governmental function were paid by a private entity.

More specifically, the bill would apply to governmental agencies, their officers, employees, and volunteers; and members of a board, council, commission, or statutorily created task force of a governmental agency. However, off-duty law enforcement officers would be specifically excluded from the bill's provisions. Under the bill, an entity or individual who performed a governmental function for which a private entity paid or reimbursed the governmental agency would have the same degree of immunity as if the governmental function had been wholly paid for by the governmental agency.

In determining whether an activity was a governmental function, a court would have to consider the activity to be the direct acts of, or services provided by, the entity or individual, and would have to consider the private activity that was the reason for the governmental acts or services as separate from those acts or services.

MCL 691.1407a

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.