

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5672

(As passed the House, June 8, 2000)

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,"

(MCL 691.1401 to 691.1415) by adding section 7c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 7C. (1) AN ON-DUTY POLICE OFFICER WHILE IN THE COURSE
2 OF EMPLOYMENT AND WHILE ACTING WITHIN THE SCOPE OF HIS OR HER
3 AUTHORITY, THE GOVERNMENTAL AGENCY OF WHICH THE POLICE OFFICER IS
4 AN OFFICER OR EMPLOYEE, AND THE GOVERNMENTAL AGENCY WHICH IS

HB 5672, As Passed Senate, December 14, 2000

House Bill No. 5672 2

1 RESPONSIBLE FOR PROVIDING THE FUNDING FOR THE SALARY OR WAGES OF
2 THE POLICE OFFICER HAVE THE SAME IMMUNITY PROVIDED BY SECTION 7
3 FOR THE PERFORMANCE OF AN ACT OR SERVICE THAT IS A GOVERNMENTAL
4 FUNCTION EVEN IF A PRIVATE ENTITY REIMBURSES THE GOVERNMENTAL
5 AGENCY FOR THE EXPENSE OF PERFORMING THE ACT OR SERVICE. IN
6 DETERMINING IF AN ACT OR SERVICE TO WHICH THIS SECTION APPLIES IS
7 A GOVERNMENTAL FUNCTION, THE COURT SHALL CONSIDER ONLY THE GOV-
8 ERNMENTAL AGENCY'S OR ON-DUTY POLICE OFFICER'S DIRECT ACTS OR
9 DIRECT SERVICES, AND SHALL CONSIDER PRIVATE ACTIVITY THAT IS THE
10 REASON FOR THE GOVERNMENTAL AGENCY'S OR ON-DUTY POLICE OFFICER'S
11 PERFORMANCE OF THE DIRECT ACTS OR DIRECT SERVICES AS BEING SEPA-
12 RATE FROM THOSE ACTS OR SERVICES.

(2) THIS SECTION DOES NOT APPLY IF AN AGREEMENT BETWEEN A
PRIVATE ENTITY AND A POLICE OFFICER OR GOVERNMENTAL AGENCY COVERING
AN ACT OR SERVICE OF THE POLICE OFFICER OR GOVERNMENTAL AGENCY
INCLUDES A PROVISION THAT INDEMNIFIES OR OTHERWISE HOLDS HARMLESS
THE PRIVATE ENTITY FOR AN ACT OR OMISSION OF THE POLICE OFFICER OR
GOVERNMENTAL AGENCY.

13 (3) THIS SECTION DOES NOT APPLY IF THE PRIVATE ACTIVITY THAT
14 IS THE REASON FOR THE GOVERNMENTAL AGENCY'S OR ON-DUTY POLICE
15 OFFICER'S ACTS OR SERVICES IS A LABOR DISPUTE , OR IF THE ACTS OR
SERVICES PERFORMED CONSTITUTE A PROPRIETARY FUNCTION. THIS
SUBSECTION
16 DOES NOT ALTER A GOVERNMENTAL AGENCY'S OR ON-DUTY POLICE
17 OFFICER'S IMMUNITY FROM LIABILITY THAT IS OTHERWISE PROVIDED BY
18 LAW.

19 (4) AS USED IN THIS SECTION:

20 (A) "LABOR DISPUTE" INCLUDES BUT IS NOT RESTRICTED TO ANY
21 CONTROVERSY CONCERNING TERMS, TENURE, OR CONDITIONS OF EMPLOY-
22 MENT, OR CONCERNING THE ASSOCIATION OR REPRESENTATION OF EMPLOY-
23 EES IN NEGOTIATING, FIXING, MAINTAINING, OR CHANGING TERMS OR
24 CONDITIONS OF EMPLOYMENT, REGARDLESS OF WHETHER THE DISPUTANTS
25 STAND IN THE PROXIMATE RELATION OF EMPLOYER AND EMPLOYEE.

HB 5672, As Passed Senate, December 14, 2000

House Bill No. 5672

3

1 (B) "POLICE OFFICER" MEANS A POLICE OFFICER WHO IS TRAINED
2 AND CERTIFIED PURSUANT TO THE COMMISSION ON LAW ENFORCEMENT
3 STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.616, OR A SHERIFF.