

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

Introduced by Reps. Richner and Gosselin

ENROLLED HOUSE BILL No. 5672

AN ACT 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:

Sec. 7c. (1) An on-duty police officer while in the course of employment and while acting within the scope of his or her authority, the governmental agency of which the police officer is an officer or employee, and the governmental agency which is responsible for providing the funding for the salary or wages of the police officer have the same immunity provided by section 7 for the performance of an act or service that is a governmental function even if a private entity reimburses the governmental agency for the expense of performing the act or service. In determining if an act or service to which this section applies is a governmental function, the court shall consider only the governmental agency's or on-duty police officer's direct acts or direct services, and shall consider private activity that is the reason for the governmental agency's or on-duty police officer's performance of the direct acts or direct services as being separate 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.

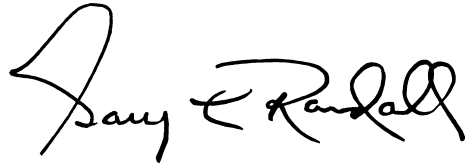
(3) This section does not apply if the private activity that is the reason for the governmental agency's or on-duty police officer's acts or services is a labor dispute, or if the acts or services performed constitute a proprietary function. This subsection does not alter a governmental agency's or on-duty police officer's immunity from liability that is otherwise provided by law.

(4) As used in this section:

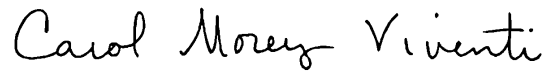
(a) "Labor dispute" includes but is not restricted to any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of employees in negotiating, fixing, maintaining, or changing terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(b) "Police officer" means a police officer who is trained and certified pursuant to the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616, or a sheriff.

This act is ordered to take immediate effect.



.....
Clerk of the House of Representatives.



.....
Secretary of the Senate.

Approved

.....
Governor.