

HOUSE BILL No. 5543

December 21, 2001, Introduced by Reps. Woodward, Kolb, Bovin, Dennis, Gielegem, Schauer, Jacobs, Neumann and Waters and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding section 2972.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2972. (1) AN INDIVIDUAL WHO IS SUBJECTED TO HAZING MAY
2 COMMENCE A CIVIL ACTION FOR INJURY OR DAMAGES, INCLUDING MENTAL
3 AND PHYSICAL PAIN AND SUFFERING, THAT RESULT FROM THE HAZING.
4 THE ACTION MAY BE BROUGHT AGAINST A PARTICIPANT IN THE HAZING OR
5 AN ORGANIZATION WHOSE LOCAL OR NATIONAL DIRECTORS, TRUSTEES, OR
6 OFFICERS AUTHORIZED, REQUESTED, COMMANDED, OR TOLERATED THE
7 HAZING.

8 (2) IF THE HAZING INVOLVES A STUDENT IN A PRIMARY, SECOND-
9 ARY, OR POSTSECONDARY SCHOOL, UNIVERSITY, OR COLLEGE, OR ANOTHER
10 EDUCATIONAL INSTITUTION, AN ACTION MAY ALSO BE BROUGHT AGAINST AN
11 ADMINISTRATOR, EMPLOYEE, OR FACULTY MEMBER OF THE SCHOOL,

1 UNIVERSITY, COLLEGE, OR OTHER EDUCATIONAL INSTITUTION. IF AN
2 ADMINISTRATOR, EMPLOYEE, OR FACULTY MEMBER IS FOUND LIABLE IN A
3 CIVIL ACTION FOR HAZING, THE SCHOOL, UNIVERSITY, COLLEGE, OR
4 OTHER EDUCATIONAL INSTITUTION THAT EMPLOYED THE ADMINISTRATOR,
5 EMPLOYEE, OR FACULTY MEMBER MAY ALSO BE HELD LIABLE.

6 (3) THE NEGLIGENCE OR CONSENT OF THE PLAINTIFF OR AN ASSUMP-
7 TION OF THE RISK BY THE PLAINTIFF IS NOT A DEFENSE TO AN ACTION
8 BROUGHT UNDER THIS SECTION. IN AN ACTION AGAINST A SCHOOL, UNI-
9 VERSITY, COLLEGE, OR OTHER EDUCATIONAL INSTITUTION, IT IS AN
10 AFFIRMATIVE DEFENSE THAT THE SCHOOL, UNIVERSITY, COLLEGE, OR
11 OTHER INSTITUTION WAS ACTIVELY ENFORCING A POLICY AGAINST HAZING
12 AT THE TIME THE CAUSE OF ACTION AROSE.

13 (4) AS USED IN THIS SECTION, "HAZING" MEANS DOING AN ACT OR
14 COERCING ANOTHER, INCLUDING THE VICTIM, TO DO AN ACT OF INITIA-
15 TION INTO A STUDENT OR OTHER ORGANIZATION THAT CAUSES OR CREATES
16 A SUBSTANTIAL RISK OF CAUSING MENTAL OR PHYSICAL HARM TO AN
17 INDIVIDUAL.