

HOUSE BILL No. 5452

September 23, 2009, Introduced by Reps. Constan, Lipton, Leland and Liss and referred to the Committee on Judiciary.

A bill to amend 1846 RS 66, entitled

"Of estates in dower, by the curtesy, and general provisions concerning real estate,"

(MCL 554.131 to 554.139) by adding section 40.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 40. (1) A PERSON IN POSSESSION OF PREMISES HAS A DUTY TO
2 MAINTAIN THE PREMISES IN REASONABLY SAFE CONDITION. THE OPEN AND
3 OBVIOUS NATURE OF A CONDITION OF THE PREMISES DOES NOT RELIEVE THE
4 POSSESSOR OF THAT DUTY.

5 (2) AN INDIVIDUAL WHO SUSTAINS INJURY TO HIS OR HER PERSON OR
6 PROPERTY BECAUSE OF THE FAILURE OF A PERSON IN POSSESSION OF
7 PREMISES TO MAINTAIN THE PREMISES IN A REASONABLY SAFE CONDITION
8 MAY RECOVER DAMAGES FROM THE PERSON IN POSSESSION OF THE PREMISES.

1 THE OPEN AND OBVIOUS NATURE OF A CONDITION OF THE PREMISES MAY BE
2 CONSIDERED BY THE TRIER OF FACT IN DETERMINING COMPARATIVE
3 NEGLIGENCE OF THE INJURED INDIVIDUAL.