



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 1017 (as reported without amendment)
Sponsor: Senator Peter MacGregor
Committee: Judiciary

CONTENT

The bill would enact the "Premises Liability Act" to specify the liability of possessors of real property for injuries sustained by individuals who have the possessor's permission to be on the property.

A possessor would have a duty to use ordinary care to protect an invitee from risks of harm from a condition on the possessor's premises if the risk of harm was unreasonable, and the possessor knew or should have known of the condition, and should have realized that the condition involved an unreasonable risk of harm to an invitee. "Invitee" would mean an individual who is invited, expressly or impliedly, to enter or remain on premises for a commercial benefit to the possessor of the premises or for a purpose directly or indirectly connected with business dealings with the possessor.

A possessor would be liable only for physical harm caused to a licensee by a condition on premises if the possessor knew or should have known of the condition and should have realized that it involved an unreasonable risk of harm to the licensee, and should have expected that the licensee would not have discovered or realized the danger; the possessor failed to warn the licensee of the danger; and the licensee did not know or have reason to know of the danger. "Licensee" would mean an individual who enters or remains on premises for any purpose other than a business or commercial purpose with the express or implied permission of the possessor of the premises. The term would include a social guest.

A possessor would owe no duty to protect an invitee or licensee from, or warn an invitee or licensee of, risks of harm from an open and obvious condition on the possessor's premises, unless there were special features that made the condition effectively unavoidable or created an unreasonably high risk of severe harm. "Open and obvious" would mean the condition is known to the invitee or licensee or the condition would have been discovered by a reasonably careful person on causal inspection.

The proposed Act would not affect or impair any defense available to the owner or possessor of premises under any other law; create a duty of care of an owner who also was not a possessor of the premises; impair comparative fault under the Revised Judicature Act, or other Michigan law; or create a duty of care to a trespasser.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 9-7-18

Fiscal Analyst: Abbey Frazier

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Bill Analysis @ www.senate.michigan.gov/sfa

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