

GOVERNMENTAL LIABILITY FOR NEGLIGENCE (EXCERPT)
Act 170 of 1964

691.1401 Definitions.

Sec. 1. As used in this act:

(a) "Governmental agency" means this state or a political subdivision.

(b) "Governmental function" means an activity that is expressly or impliedly mandated or authorized by constitution, statute, local charter or ordinance, or other law. Governmental function includes an activity performed on public or private property by a sworn law enforcement officer within the scope of the law enforcement officer's authority, as directed or assigned by his or her public employer for the purpose of public safety.

(c) "Highway" means a public highway, road, or street that is open for public travel. Highway includes a bridge, sidewalk, trailway, crosswalk, or culvert on the highway. Highway does not include an alley, tree, or utility pole.

(d) "Municipal corporation" means a city, village, or township or a combination of 2 or more of these when acting jointly.

(e) "Political subdivision" means a municipal corporation, county, county road commission, school district, community college district, port district, metropolitan district, or transportation authority or a combination of 2 or more of these when acting jointly; a district or authority authorized by law or formed by 1 or more political subdivisions; or an agency, department, court, board, or council of a political subdivision.

(f) "Sidewalk", except as used in subdivision (c), means a paved public sidewalk intended for pedestrian use situated outside of and adjacent to the improved portion of a highway designed for vehicular travel.

(g) "State" means this state and its agencies, departments, commissions, courts, boards, councils, and statutorily created task forces. State includes a public university or college of this state, whether established as a constitutional corporation or otherwise.

(h) "Township" means a general law township or a charter township.

(i) "Volunteer" means an individual who is specifically designated as a volunteer and who is acting solely on behalf of a governmental agency.

History: 1964, Act 170, Eff. July 1, 1965;—Am. 1986, Act 175, Imd. Eff. July 7, 1986;—Am. 1999, Act 205, Imd. Eff. Dec. 21, 1999;—Am. 2001, Act 131, Imd. Eff. Oct. 15, 2001;—Am. 2012, Act 50, Imd. Eff. Mar. 13, 2012.

Compiler's note: Section 3 of Act 175 of 1986 provides:

"(1) Sections 1, 7, and 13 of Act No. 170 of the Public Acts of 1964, as amended by this amendatory act, being sections 691.1401, 691.1407, and 691.1413 of the Michigan Compiled Laws, shall not apply to causes of action which arise before July 1, 1986.

"(2) Section 6a of Act No. 170 of the Public Acts of 1964, as added by this amendatory act, shall apply to cases filed on or after July 1, 1986."

In *Hyde v. University of Michigan Regents*, 426 Mich 223 (1986), the Supreme Court stated that "1986 PA 175 was enacted, effective July 1, 1986." Act 175 was approved by the Governor July 6, 1986, and filed with Secretary of State July 7, 1986.

Enacting section 1 of Act 205 of 1999 provides:

"Enacting section 1. Sections 1 and 2 of 1964 PA 170, MCL 691.1401 and 691.1402, as amended by this amendatory act, and section 2a, as added by this amendatory act, apply only to a cause of action arising on or after the effective date of this amendatory act."

Enacting section 1 of Act 131 of 2001 provides:

"Enacting section 1. The provisions of this amendatory act do not limit or reduce the scope of a governmental function as defined by statute or common law."

Popular name: Governmental Immunity Act