

GOVERNMENTAL LIABILITY FOR NEGLIGENCE (EXCERPT)
Act 170 of 1964

691.1413 Damage arising out of performance of proprietary function.

Sec. 13. The immunity of the governmental agency shall not apply to actions to recover for bodily injury or property damage arising out of the performance of a proprietary function as defined in this section. Proprietary function shall mean any activity which is conducted primarily for the purpose of producing a pecuniary profit for the governmental agency, excluding, however, any activity normally supported by taxes or fees. No action shall be brought against the governmental agency for injury or property damage arising out of the operation of proprietary function, except for injury or loss suffered on or after July 1, 1965.

History: 1964, Act 170, Eff. July 1, 1965;—Am. 1986, Act 175, Imd. Eff. July 7, 1986.

Constitutionality: 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.

Popular name: Governmental Immunity Act