

HOUSE BILL No. 4116

February 8, 1989, Introduced by Reps. Willis Bullard and Gnodtke and referred to the Committee on Judiciary.

A bill to amend section 1 of Act No. 170 of the Public Acts of 1964, entitled as amended

"An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts,"

as amended by Act No. 175 of the Public Acts of 1986, being section 691.1401 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 170 of the Public Acts of
2 1964, as amended by Act No. 175 of the Public Acts of 1986, being

1 section 691.1401 of the Michigan Compiled Laws, is amended to
2 read as follows:

3 Sec. 1. As used in this act:

4 (a) "Municipal corporation" means any city, village, town-
5 ship or charter township, or any combination thereof, when acting
6 jointly.

7 (b) "Political subdivision" means any municipal corporation,
8 county, county road commission, township, charter township,
9 school district, community college district, port district, ~~or~~
10 metropolitan district, transportation authority, LAKE BOARD, or
11 any combination thereof, when acting jointly, and any district or
12 authority authorized by law or formed by 1 or more political sub-
13 divisions, and any agency, department, court, board, or council
14 of a political subdivision.

15 (c) "State" means the state of Michigan and its agencies,
16 departments, commissions, courts, boards, councils, statutorily
17 created task forces, and shall include every public university
18 and college of the state, whether established as a constitutional
19 corporation or otherwise.

20 (d) "Governmental agency" means the state, political subdi-
21 visions, and municipal corporations.

22 (e) "Highway" means every public highway, road, and street
23 which is open for public travel and shall include bridges, side-
24 walks, crosswalks, and culverts on any highway. The term highway
25 does not include alleys, trees, and utility poles.

1 (f) "Governmental function" is an activity which is
2 expressly or impliedly mandated or authorized by constitution,
3 statute, local charter or ordinance, or other law.

4 (g) "Volunteer" means an individual who is specifically des-
5 ignated as such and who is acting solely on behalf of a govern-
6 mental agency.