

HOUSE BILL No. 4764

May 3, 1989, Introduced by Reps. Jondahl, Gubow, Ciaramitaro, Jonker, Brown, Leland, DeMars, Emerson, Joe Young, Jr., Clack, Murphy, Perry Bullard and Profit and referred to the Committee on Mental Health.

A bill to amend sections 103 and 606 of Act No. 220 of the Public Acts of 1976, entitled as amended

"Michigan handicappers' civil rights act,"

section 103 as amended and section 606 as added by Act No. 478 of the Public Acts of 1980, being sections 37.1103 and 37.1606 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 103 and 606 of Act No. 220 of the
2 Public Acts of 1976, section 103 as amended and section 606 as
3 added by Act No. 478 of the Public Acts of 1980, being sections
4 37.1103 and 37.1606 of the Michigan Compiled Laws, are amended to
5 read as follows:

6 Sec. 103. As used in this act:

1 (a) "Commission" means the civil rights commission
2 established by section 29 of article ~~5~~ V of the state
3 constitution of 1963.

4 (b) "Handicap" means a determinable physical or mental char-
5 acteristic of an individual or a history of the characteristic
6 which may result from disease, injury, congenital condition of
7 birth, or functional disorder, ~~which~~ IF THE characteristic:

8 (i) For purposes of article 2, is unrelated to the
9 individual's ability to perform the duties of a particular job or
10 position ~~—~~ or is unrelated to the individual's qualifications
11 for employment or promotion.

12 (ii) For purposes of article 3, is unrelated to the
13 individual's ability to utilize and benefit from a place of
14 public accommodation or public service.

15 (iii) For purposes of article 4, is unrelated to the
16 individual's ability to utilize and benefit from educational
17 opportunities, programs, and facilities at an educational
18 institution.

19 (iv) For purposes of article 5, is unrelated to the
20 individual's ability to acquire, rent, or maintain property.

21 (c) "Handicapper" means an individual who has a handicap OR
22 WHO IS REGARDED AS HAVING A HANDICAP.

23 (d) "Mental characteristic" ~~is limited to mental retarda-~~
24 ~~tion which is significantly subaverage general intellectual func-~~
25 ~~tioning and to a mentally ill restored condition, and for pur-~~
26 ~~poses of article 5 only to a determinable mental condition of an~~
27 ~~individual or a history of such condition which may result from~~

~~1 disease, accident, condition of birth, or functional disorder~~
~~2 which constitutes a mental limitation which is unrelated to an~~
~~3 individual's ability to acquire, rent, or maintain property~~
4 MEANS ANY MENTAL OR PSYCHOLOGICAL DISORDER, INCLUDING, BUT NOT
5 LIMITED TO, MENTAL RETARDATION, ORGANIC BRAIN SYNDROME, EMOTIONAL
6 ILLNESS, MENTAL ILLNESS, AND SPECIFIED LEARNING DISABILITY.

7 (e) "Person" includes an individual, agent, association,
8 corporation, joint apprenticeship committee, joint-stock company,
9 labor union, legal representative, mutual company, partnership,
10 receiver, trust, trustee in bankruptcy, unincorporated organi-
11 zation, this state, or any other legal, commercial, or governmen-
12 tal entity or agency.

13 (f) "Political subdivision" means a county, city, village,
14 township, school district, or special district or authority of
15 this state.

16 (G) "UNRELATED TO THE INDIVIDUAL'S ABILITY" MEANS, WITH OR
17 WITHOUT ACCOMMODATION, AN INDIVIDUAL'S HANDICAP DOES NOT PREVENT
18 THE INDIVIDUAL FROM DOING 1 OR MORE OF THE FOLLOWING:

19 (A) FOR PURPOSES OF ARTICLE 2, PERFORMING THE DUTIES OF A
20 PARTICULAR JOB OR POSITION.

21 (B) FOR PURPOSES OF ARTICLE 3, UTILIZING AND BENEFITING FROM
22 A PLACE OF PUBLIC ACCOMMODATION OR PUBLIC SERVICE.

23 (C) FOR PURPOSES OF ARTICLE 4, UTILIZING AND BENEFITING FROM
24 EDUCATIONAL OPPORTUNITIES, PROGRAMS, AND FACILITIES AT AN EDUCA-
25 TIONAL INSTITUTION.

26 (D) FOR PURPOSES OF ARTICLE 5, ACQUIRING, RENTING, OR
27 MAINTAINING PROPERTY.

1 Sec. 606. (1) A person alleging a violation of this act may
2 bring a civil action for appropriate injunctive relief or dam-
3 ages, or both.

4 (2) An action commenced pursuant to subsection (1) may be
5 brought in the circuit court for the county where the alleged
6 violation occurred, or for the county where the person against
7 whom the civil complaint is filed resides or has his or her prin-
8 cipal place of business.

9 (3) THE RUNNING OF THE STATUTE OF LIMITATIONS IS SUSPENDED
10 FOR THE PERIOD FROM JULY 8, 1986 THROUGH THE EFFECTIVE DATE OF
11 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION FOR A CAUSE OF
12 ACTION BASED UPON A VIOLATION OF THIS ACT INVOLVING A HANDICAP
13 REQUIRING ACCOMMODATION.

14 (4) ~~-(3)-~~ As used in subsection (1), "damages" means damages
15 for injury or loss caused by each violation of this act, includ-
16 ing reasonable attorneys' fees.

17 Section 2. This amendatory act is curative, expressing the
18 original intent of the legislature that the Michigan
19 handicappers' civil rights act, Act No. 220 of the Public Acts of
20 1976, being sections 37.1101 to 37.1607 of the Michigan Compiled
21 Laws, protects the civil rights of handicappers, including, but
22 not limited to, those handicappers who require accommodation to
23 do 1 or more of the acts set forth in section 103(g) of the
24 Michigan handicappers' civil rights act, Act No. 220 of the
25 Public Acts of 1976, being section 37.1103 of the Michigan
26 Compiled Laws.