

SENATE BILL No. 438

May 9, 1989, Introduced by Senator KELLY and referred
to the Committee on Judiciary.

A bill to amend section 5 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,"

being section 691.1405 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 5 of Act No. 170 of the Public Acts of
2 1964, being section 691.1405 of the Michigan Compiled Laws, is
3 amended to read as follows:

1 Sec. 5. (1) ~~Governmental~~ EXCEPT AS PROVIDED IN SUBSECTION
2 (2), GOVERNMENTAL agencies shall be liable for bodily injury and
3 property damage resulting from the negligent operation by any
4 officer, agent, or employee of the governmental agency, of a
5 motor vehicle of which the governmental agency is owner, as
6 defined in THE MICHIGAN VEHICLE CODE, Act No. 300 of the Public
7 Acts of 1949, as amended, being sections 257.1 to 257.923 of the
8 ~~Compiled Laws of 1948~~ MICHIGAN COMPILED LAWS.

9 (2) THE STATE OR A MEMBER OF THE MICHIGAN NATIONAL GUARD
10 SHALL NOT BE LIABLE FOR BODILY INJURY OR PROPERTY DAMAGE RESULT-
11 ING FROM THE NEGLIGENT OPERATION BY A MEMBER OF THE MICHIGAN
12 NATIONAL GUARD OF A MOTOR VEHICLE OWNED BY THE UNITED STATES IF,
13 AT THE TIME THE INJURY OR DAMAGE OCCURS, THE MEMBER IS ENGAGED IN
14 TRAINING OR DUTY UNDER SECTION 316, 502, 503, 504, OR 505 OF
15 TITLE 32 OF THE UNITED STATES CODE, 32 U.S.C. 316, 502, 503, 504,
16 AND 505.