



HOUSE BILL No. 4563

March 9, 1995, Introduced by Reps. Jersevic, Lowe, Kaza, Llewellyn, McManus, Bush, Weeks, Brackenridge, Hill, Dalman, Goschka, Voorhees, McBryde, Horton, Anthony, Green, Hammerstrom, Pitoniak, Cropsey, Leland, Middaugh, Gustafson, Olshove and Jaye and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 492a of Act No. 642 of the Public Acts of 1978, entitled as amended "Revised probate code," as added by Act No. 452 of the Public Acts of 1982, being section 700.492a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 492a of Act No. 642 of the Public Acts
2 of 1978, as added by Act No. 452 of the Public Acts of 1982,
3 being section 700.492a of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 492a. (1) If an accident or ~~a~~ disaster ~~has~~
6 ~~occurred~~ OCCURS and, as a result, it appears that ~~a person~~ AN
7 INDIVIDUAL has died but his or her remains have disappeared or
8 are unidentifiable, any of the following individuals may file a

1 petition in probate court asking that the court determine the
2 cause and date of death of the ~~person~~ INDIVIDUAL:

3 (a) The medical examiner, sheriff, or prosecutor of a county
4 described in subsection (2).

5 (b) The spouse, next of kin, heir-at-law, legatee, devisee,
6 personal representative, or executor named in a will, or a credi-
7 tor or debtor of the ~~person~~ INDIVIDUAL presumed to be
8 deceased.

9 (2) The probate court of the county in which the accident or
10 disaster or any part ~~thereof has occurred~~ OF THE ACCIDENT OR
11 DISASTER OCCURS, or if the accident or disaster ~~occurred~~ OCCURS
12 upon or within the Great Lakes or their connecting waters, then
13 of the county or counties adjacent to the scene of the accident
14 or disaster, ~~shall have~~ HAS jurisdiction of matters under this
15 section. IF THE ACCIDENT OR DISASTER OCCURS OUTSIDE OF THIS
16 STATE, THE PROBATE COURT OF THE INDIVIDUAL'S COUNTY OF RESIDENCE
17 HAS JURISDICTION OF MATTERS UNDER THIS SECTION.

18 (3) A petition to determine the cause and date of death as
19 provided in this section shall not be filed less than 60 days
20 ~~nor~~ OR more than ~~3~~ 7 years following the occurrence of the
21 accident or disaster. ~~, or 3 years after the effective date of~~
22 ~~this section, whichever is later.~~

23 (4) A petition under this section shall set forth the facts
24 and circumstances concerning the accident or disaster, the rea-
25 sons for the belief that the ~~person~~ INDIVIDUAL died ~~therein~~
26 IN THE ACCIDENT OR DISASTER, that the ~~person~~ INDIVIDUAL is
27 unidentifiable or has disappeared, and the names and addresses of

1 all persons known or believed to be heirs-at-law of the ~~person~~
2 INDIVIDUAL.

3 (5) Upon the filing of the petition, the probate court shall
4 fix the time and place for a hearing. The petitioner shall give
5 or cause to be given notice of the hearing, as provided by the
6 rules of the supreme court.

7 (6) At the hearing upon the petition, the court upon its own
8 motion may, or upon motion of any interested party shall, impanel
9 a jury as provided by law for probate courts. If it is estab-
10 lished by a preponderance of the evidence presented at the hear-
11 ing that an accident or disaster occurred in which the ~~person~~
12 INDIVIDUAL named in the petition was killed or may be presumed to
13 have died, the court shall enter an order establishing the loca-
14 tion of the accident or disaster; the date of death; if possible,
15 the time of death; and that the ~~person~~ INDIVIDUAL is dead.

16 (7) A certified copy of an order under this section shall be
17 sufficient when presented to the medical examiner for the prepa-
18 ration of a certificate of death. The medical examiner shall
19 forward the completed certificate of death to the state
20 registrar. The state registrar shall register the death pursuant
21 to section 2845 of THE PUBLIC HEALTH CODE, Act No. 368 of the
22 Public Acts of 1978, being section 333.2845 of the Michigan
23 Compiled Laws. The state registrar shall forward a copy of the
24 registered death record to the local registrar of the place where
25 the death ~~was~~ OCCURRED AS established under this section. ~~to~~
26 ~~have occurred.~~

1 Section 2. The legislature intends that this amendatory act
2 apply to a disappearance resulting from an accident or disaster
3 that occurred before, on, or after the effective date of this
4 amendatory act.-