

Legislative Analysis



GOVERNMENTAL IMMUNITY: EXPAND DEFINITION OF VOLUNTEER

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House Bill 5971
Sponsor: Rep. Ruth Johnson
Committee: Judiciary

Complete to 6-22-04

A SUMMARY OF HOUSE BILL 5971 AS INTRODUCED 6-3-04

Public Act 170 of 1964, generally known as the governmental immunity act, grants immunity to the state and local units of government from civil liability when engaged in the exercise or discharge of a governmental function. The act extends this immunity to governmental officers and employees for an injury to a person or damage to property caused by the individual while in the course of employment or service and to a volunteer while acting solely on behalf of a governmental agency. However, the immunity from civil liability applies only under certain specified conditions; for instance, that the conduct did not amount to gross negligence that was the proximate cause of the injury or damage.

House Bill 5971 would amend the act to expand the definition of “volunteer” to include an individual licensed to practice one or more of the following, when acting within the scope of that license, and when assisting (regardless of whether the person was paid or not) law enforcement officers while they were engaged in tactical operations (i.e., a SWAT team):

- Medicine (M.D.), osteopathic medicine and surgery (D.O.), or as a registered professional nurse (RPN);
- as an emergency medical technician (EMT), emergency medical technician specialist, or paramedic.

Furthermore, the act does not grant immunity to a governmental agency or its employee or agent with respect to providing medical care or treatment to a patient. However, an exception is made for medical care and treatment provided in hospitals owned or operated by the Department of Community Health or the Department of Corrections. The bill would also give an exception to care or treatment provided by the individuals described above under the criteria specified in the bill.

Lastly, the bill would define “gross negligence” as conduct so reckless as to demonstrate a substantial lack of concern for whether an injury resulted.

MCL 691.1401 and 691.1407

FISCAL IMPACT:

The bill would have no fiscal impact.

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