

HOUSE BILL No. 5260

November 5, 2003, Introduced by Reps. Lipsey, Adamini, Whitmer, Tobocman, Meisner and Daniels and referred to the Committee on Family and Children Services.

A bill to amend 1846 RS 66, entitled

"Of estates in dower, by the curtesy, and general provisions concerning real estate,"

(MCL 554.131 to 554.139) by adding section 40.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40. (1) A person in possession of premises has a duty
2 to maintain the premises in reasonably safe condition. The open
3 and obvious nature of a condition of the premises does not
4 relieve the possessor of that duty.

5 (2) An individual who sustains injury to his or her person or
6 property because of the failure of a person in possession of
7 premises to maintain the premises in a reasonably safe condition
8 may recover damages from the person in possession of the
9 premises. The open and obvious nature of a condition of the
10 premises may be considered by the trier of fact in determining
11 comparative negligence of the injured individual.