



HOUSE BILL No. 5213

November 18, 1993, Introduced by Reps. Profit, Palamara, Martin, Mathieu, Porreca, Pitoniak and Llewellyn and referred to the Committee on Insurance.

A bill to amend section 401 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 125 of the Public Acts of 1988, being section 257.401 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 401 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 125 of the Public Acts of 1988, being
3 section 257.401 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 401. (1) Nothing herein contained shall be construed
6 to abridge the right of any person to prosecute a civil action
7 for damages for injuries to either person or property resulting
8 from a violation of any of the provisions of this act by the
9 owner or operator of a motor vehicle ~~—~~ OR his or her agent or

1 servant. The owner of a motor vehicle ~~shall be~~ IS liable for
2 any injury occasioned by the negligent operation of the motor
3 vehicle whether the negligence consists of a violation of the
4 provisions of the statutes of the state or in the failure to
5 observe such ordinary care in the operation of the motor vehicle
6 as the rules of the common law requires. The owner shall not be
7 liable, however, unless the motor vehicle is being driven with
8 his or her express or implied consent or knowledge. It shall be
9 presumed that the motor vehicle is being driven with the knowl-
10 edge and consent of the owner if it is driven at the time of the
11 injury by his or her father, mother, brother, sister, son, daugh-
12 ter, or other immediate member of the family.

13 (2) A person engaged in the business of leasing motor vehi-
14 cles who is the lessor of a motor vehicle pursuant to a lease
15 providing for the use of the motor vehicle by the lessee for a
16 period that is greater than 30 days shall not be liable at common
17 law for damages for injuries to either person or property result-
18 ing from the operation of the leased motor vehicle.

19 (3) A PERSON ENGAGED IN THE BUSINESS OF RENTING PRIVATE PAS-
20 Senger motor vehicles and licensed to do such business in this
21 state is not liable for damages for injuries to either person or
22 property resulting from the operation of the rented motor vehicle
23 in an amount that is greater than the mandatory minimum amounts
24 required in sections 3009, 3107(1)(A)(i), and 3121 of the insur-
25 ance code of 1956, act no. 218 of the public acts of 1956, being
26 sections 500.3009, 500.3107, and 500.3121 of the Michigan
27 compiled laws.