

SENATE BILL No. 848

October 26, 1999, Introduced by Senators BULLARD, HOFFMAN and ROGERS and referred to the Committee on Judiciary.

A bill to amend 1964 PA 170, entitled

"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,"

(MCL 691.1401 to 691.1415) by adding section 7a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 7A. (1) SUBJECT TO SUBSECTION (2), A GOVERNMENTAL
2 AGENCY, AN OFFICER OR EMPLOYEE OF A GOVERNMENTAL AGENCY, A
3 VOLUNTEER ACTING ON BEHALF OF A GOVERNMENTAL AGENCY, OR A MEMBER
4 OF A BOARD, COUNCIL, COMMISSION, OR STATUTORILY CREATED TASK

1 FORCE OF A GOVERNMENTAL AGENCY HAS THE SAME IMMUNITY PROVIDED BY
2 SECTION 7 FOR THE PERFORMANCE OF AN ACTIVITY THAT IS A GOVERNMEN-
3 TAL FUNCTION EVEN IF A PRIVATE ENTITY PAYS OR REIMBURSES THE GOV-
4 ERNMENTAL AGENCY FOR THE EXPENSES OF THE GOVERNMENTAL FUNCTION.
5 IN DETERMINING IF AN ACTIVITY TO WHICH THIS SECTION APPLIES IS A
6 GOVERNMENTAL FUNCTION, THE COURT SHALL CONSIDER THE ACTIVITY TO
7 BE THE DIRECT ACTS OF, OR THE SERVICES DIRECTLY PROVIDED BY, THE
8 GOVERNMENTAL AGENCY, OFFICER, EMPLOYEE, VOLUNTEER, OR MEMBER, AND
9 SHALL CONSIDER PRIVATE ACTIVITY THAT IS THE REASON FOR THE GOV-
10 ERNMENTAL ACTS OR SERVICES AS SEPARATE FROM THOSE ACTS OR
11 SERVICES.

12 (2) SUBSECTION (1) DOES NOT APPLY TO AN OFFICER OR EMPLOYEE
13 OF A GOVERNMENTAL AGENCY WHO IS A LAW ENFORCEMENT OFFICER UNLESS
14 THE LAW ENFORCEMENT OFFICER IS ON DUTY.