

House Bill 4960

Sponsor: Rep. Bruce Patterson

Committee: Civil Law and the Judiciary

Complete to 7-5-01

A SUMMARY OF HOUSE BILL 4960 AS INTRODUCED 6-14-01

The bill would delete the current language in the repealer section of the governmental immunity act (Public Act 170 of 1964) and replace it with language that would make governmental agencies liable for sewer backups under certain conditions. More specifically, the bill would make a governmental agency liable for damages in an action for “trespass-nuisance” for property damage or personal injury or death if the claimant proved both:

- that the physical intrusion were of water or sewer flowing from a sewage or drain system, and
- either that the sewer or drain system were under the jurisdiction and control of the governmental agency or the governmental agency’s negligence caused the physical intrusion.

The bill would define “trespass-nuisance” to mean a direct trespass upon, or the interference with the use or enjoyment of, land that resulted from a physical intrusion.

MCL 691.1414

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Analyst: S. Ekstrom

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