

HOUSE BILL No. 4706

May 3, 2001, Introduced by Reps. DeVuyst, Wojno, Ehardt, Voorhees, Tabor, Godchaux, Gilbert, Bisbee and Jansen and referred to the Committee on Conservation and Outdoor Recreation.

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 16.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16. (1) EXCEPT AS OTHERWISE PROVIDED IN
2 SUBSECTION (2), A MUNICIPAL CORPORATION IS IMMUNE FROM CIVIL
3 LIABILITY FOR DAMAGES CAUSED AS THE RESULT OF THE BACKUP OF A
4 SEWER OR DRAIN SYSTEM BUILT, OPERATED, MAINTAINED, OR REPAIRED,

1 OR OTHERWISE UNDER THE JURISDICTION OF, THE MUNICIPAL
2 CORPORATION. THIS IMMUNITY APPLIES REGARDLESS OF THE THEORY OF
3 LIABILITY UNDER WHICH A CLAIM IS BROUGHT.

4 (2) SUBSECTION (1) DOES NOT APPLY TO AN ACT OR OMISSION BY
5 THE MUNICIPAL CORPORATION RELATED TO SUCH A SEWER OR DRAIN SYSTEM
6 THAT AMOUNTS TO GROSS NEGLIGENCE.