

SENATE BILL No. 1084

April 19, 2012, Introduced by Senators NOFS, PAPPAGEORGE, SCHUITMAKER, PROOS, WALKER, COLBECK and JANSEN and referred to the Committee on Energy and Technology.

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, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,"

by amending section 13 (MCL 691.1413), as amended by 1986 PA 175.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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1 Sec. 13. The immunity of ~~the~~**A** governmental agency ~~shall~~**DOES**
2 not apply to actions to recover for bodily injury or property
3 damage arising out of the performance of a proprietary function. ~~as~~
4 ~~defined in this section. Proprietary function shall mean~~

1 (2) THE ACTS OR OMISSIONS OF A MUNICIPAL CORPORATION WITH
2 RESPECT TO ITS OBLIGATIONS UNDER THE UNDERGROUND FACILITY DAMAGE
3 PREVENTION AND SAFETY ACT SHALL BE CONSIDERED TO BE PROPRIETARY
4 FUNCTIONS RATHER THAN GOVERNMENTAL FUNCTIONS, REGARDLESS OF ANY
5 TAXES OR FEES THAT SUPPORT THE ACTIVITY.

6 (3) AS USED IN THIS SECTION, "PROPRIETARY FUNCTION" MEANS any
7 activity ~~which~~ **THAT** is conducted primarily for the purpose of
8 producing a pecuniary profit for the governmental agency. ~~τ~~
9 ~~excluding, however,~~ **PROPRIETARY FUNCTION DOES NOT INCLUDE** any
10 activity normally supported by taxes or fees. ~~No action shall be~~
11 ~~brought against the governmental agency for injury or property~~
12 ~~damage arising out of the operation of proprietary function, except~~
13 ~~for injury or loss suffered on or after July 1, 1965.~~

14 Enacting section 1. This amendatory act does not take effect
15 unless Senate Bill No. 1083

16 of the 96th Legislature is enacted into law.