



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 39 and 43 (as reported without amendment)
Sponsor: Senator Roger Victory
Committee: Transportation and Infrastructure

CONTENT

Senate Bill 39 would amend Chapter IV of Public Act 283 of 1909, the county road law, to specify that the liability of a county road commission or a county for failure to comply with the requirements to maintain roadways in its jurisdiction and the procedure and remedies in an action against a county road commission or county would be as provided in Public Act 170 of 1964.

Senate Bill 43 would amend Public Act 170 of 1964, the governmental immunity Act, to delete a provision specifying that the liability, procedure, and remedy related to county roads under the jurisdiction of a county road commission would be provided by Public Act 283 of 1909.

The bills are tie-barred, and each bill would take effect 90 days after its enactment.

MCL 224.21 (S.B. 39)
691.1402 (S.B. 43)

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bills would have an indeterminate, and likely positive, fiscal impact on counties and no fiscal impact on the State.

The bills would require potential claimants to sue counties, or county road commissions, in highway negligence cases under the governmental immunity Act. The Act requires that claimants prove the governmental entity responsible for a highway (which, under the Act includes bridges, sidewalks, culvert, etc.) had at least 30 days prior notice of the defect and did not fix it. The bill also would require, as a condition for recovery for injuries, that claimants submit a notice on the governmental entity with jurisdiction over the highway of the injury and the defect that caused it within 120 days after the date it occurred. Under current statute, the required notice period for claimants who sue counties is 60 days.

The bills likely would reduce the potential liability of counties for damages caused by highways in poor condition. The Department of Transportation, for comparison, also is subject to the governmental immunity Act, and highway negligence suits against the State are rarely successful. Over the last decade, typically one to three claims per year result in a judgment or settlement for the injured party.

Date Completed: 5-17-22

Fiscal Analyst: Michael Siracuse