LIABILITY OF RAILROADS TO EMPLOYEES

Act 104 of 1909

AN ACT to prescribe the liability of common carrier railroad companies to their employes.

History: 1909, Act 104, Eff. Sept. 1, 1909

The People of the State of Michigan enact:

419.51 Railroads; liability to employees or personal representative for negligence.

Sec. 1.

Every common carrier railroad company in this state shall be liable to any of its employees, or, in case of his or her death, to his or her personal representative for the benefit of his or her spouse and children, if any; if none, then for his or her parents; if none, then for his or her next of kin, for all damages which may result from the negligence of the railroad company or from the negligence of any of its officers, agents, or employees, or by reason of any defect or insufficiency due to the negligence of the common carrier railroad company in its cars, engines, appliances, machinery, track, road bed, works, boats, wharves, coal docks, or other equipment.

History: 1909, Act 104, Eff. Sept. 1, 1909 ;-- CL 1915, 5496 ;-- CL 1929, 8629 ;-- CL 1948, 419.51 ;-- Am. 1983, Act 197, Imd. Eff. Nov. 7, 1983

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419.52 Contributory negligence; degree, effect; assumption of risk.

Sec. 2.

In all actions hereafter brought against any such common carrier railroad company under or by virtue of any of the provisions of this act to recover damages for personal injury to an employe, or where such injuries have resulted in his death, the fact that the employe may have been guilty of contributory negligence shall not bar a recovery: Provided, That the negligence of such employe was of a lesser degree than the negligence of such company, its officers, agents or employes: Provided further, That no such employe who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier railroad company of any statute enacted for the safety of employes contributed to the injury of such employe, and such employe shall not be held to have assumed the risk of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employes contributed to the injury or death of such employe.

History: 1909, Act 104, Eff. Sept. 1, 1909 ;-- CL 1915, 5497 ;-- CL 1929, 8630 ;-- CL 1948, 419.52

419.53 Railroad company; definition.

Sec. 3.

The words "railroad company," as used in this act, shall be taken to embrace any company, association, corporation, or person managing, maintaining, operating, or in possession of a common carrier railroad in whole or in part within this state, whether as owner, contractor, lessee, mortgagee, trustee, assignee or receiver.

History: 1909, Act 104, Eff. Sept. 1, 1909 ;-- CL 1915, 5498 ;-- CL 1929, 8631 ;-- CL 1948, 419.53

419.54 Agreements not to bar action; provision, set off sum contribution.

Sec. 4.

No contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employe, nor the acceptance of any such insurance, relief benefit or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to, or death of such employe: Provided, however, That upon the trial of such action, the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit or indemnity that may have been paid to the injured employe, or, in case of his death, to his personal representative.

History: 1909, Act 104, Eff. Sept. 1, 1909 ;-- CL 1915, 5499 ;-- CL 1929, 8632 ;-- CL 1948, 419.54

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419.56 Construction of act as to duties and rights.

Sec. 6.

Nothing in this act shall be held to limit the duty of common carrier railroad companies, or impair the rights of their employes under existing laws of the state.

History: 1909, Act 104, Eff. Sept. 1, 1909 ;-- CL 1915, 5500 ;-- CL 1929, 8633 ;-- CL 1948, 419.56

419.57 Scope of act.

Sec. 7.

The provisions of this act shall not apply to employes working in shops or offices.

History: 1909, Act 104, Eff. Sept. 1, 1909 ;-- CL 1915, 5501 ;-- CL 1929, 8634 ;-- CL 1948, 419.57