

PUBLIC HIGHWAYS AND PRIVATE ROADS (EXCERPT)
Act 283 of 1909

224.21 County road commissioners; authority to obligate county limitation; roads under construction; duty of county to keep roads in repair; actions brought against board; liability for damages.

Sec. 21.

(1) A board of county road commissioners shall not contract indebtedness for an amount in excess of the money credited to the board and received by the county treasurer. However, the board may incur liability to complete roads under construction and upon contracts, after a tax is voted, to an amount not exceeding 3/4 of the tax.

(2) A county shall keep in reasonable repair, so that they are reasonably safe and convenient for public travel, all county roads, bridges, and culverts that are within the county's jurisdiction, are under its care and control, and are open to public travel. The provisions of law respecting the liability of townships, cities, villages, and corporations for damages for injuries resulting from a failure in the performance of the same duty respecting roads under their control apply to counties adopting the county road system. This subsection is subject to section 82124 of part 821 (snowmobiles) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 321.82124 of the Michigan Compiled Laws, and section 81131 of part 811 (off-road recreation vehicles) of Act No. 451 of the Public Acts of 1994, being section 324.81131 of the Michigan Compiled Laws.

(3) An action arising under subsection (2) shall be brought against the board of county road commissioners of the county and service shall be made upon the clerk and upon the chairperson of the board. The board shall be named in the process as the "board of county road commissioners of the county of". Any judgment obtained against the board of county road commissioners in the action shall be audited and paid from the county road fund as are other claims against the board of county road commissioners. However, a board of county road commissioners is not liable for damages to person or property sustained by a person upon a county road because of a defective county road, bridge, or culvert under the jurisdiction of the board of county road commissioners, unless the person serves or causes to be served within 60 days after the occurrence of the injury a notice in writing upon the clerk and upon the chairperson of the board of county road commissioners. The notice shall set forth substantially the time when and place where the injury took place, the manner in which it occurred, the known extent of the injury, the names of any witnesses to the accident, and that the person receiving the injury intends to hold the county liable for damages. This section applies to all county roads whether they become county roads under this chapter or under Act No. 59 of the Public Acts of 1915, being sections 247.418 to 247.481 of the Michigan Compiled Laws.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1915, Act 75, Eff. Aug. 24, 1915 ;-- CL 1915, 4367 ;-- Am. 1919, Act 388, Eff. Aug. 14, 1919 ;-- CL 1929, 3996 ;-- CL 1948, 224.21 ;-- Am. 1951, Act 234, Eff. Sept. 28, 1951 ;-- Am. 1954, Act 12, Eff. Aug. 13, 1954 ;-- Am. 1996, Act 23, Imd. Eff. Feb. 16, 1996

Former Law: See section 21 of Act 149 of 1893, being CL 1897, Å§ 4282; and Act 82 of 1907.

Popular Name: County Road Law