



# HOUSE BILL No. 4749

April 26, 1995, Introduced by Reps. McNutt, Hammerstrom, DeLange, Bobier, McBryde, Horton, Goschka, Randall, Alley, Middaugh, Voorhees, Wetters, Middleton, Dobb, London and Jaye and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 21 of chapter IV of Act No. 283 of the Public Acts of 1909, entitled as amended

"An act to revise, consolidate and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance and use of the public highways and private roads, the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; setting and protecting shade trees, drainage, cutting weeds and brush within this state, and providing for the election or appointment and defining the powers, duties and compensation of state, county, township and district highway officials,"

being section 224.21 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 21 of chapter IV of Act No. 283 of the  
2 Public Acts of 1909, being section 224.21 of the Michigan  
3 Compiled Laws, is amended to read as follows:

## CHAPTER IV

1  
2       Sec. 21. (1) ~~Said~~ A board of county road commissioners  
3 shall ~~have no power to~~ NOT contract indebtedness for ~~any~~ AN  
4 amount in excess of the ~~moneys~~ MONEY credited to ~~such~~ THE  
5 board and ~~actually in the hands of~~ RECEIVED BY the county  
6 treasurer. ~~Provided, That~~ HOWEVER, the board may incur  
7 liability to complete roads under construction and upon con-  
8 tracts, after a tax is voted, to an amount not exceeding 3/4 of  
9 the ~~said~~ tax. ~~It is hereby made the duty of the counties to~~

10       (2) A COUNTY SHALL keep in reasonable repair, so that they  
11 ~~shall be~~ ARE reasonably safe and convenient for public travel,  
12 all county roads, bridges, and culverts that are within ~~their~~  
13 THE COUNTY'S jurisdiction, ~~and~~ ARE under ~~their~~ ITS care and  
14 control, and ~~which~~ are open to public travel. The provisions  
15 of law respecting the liability of townships, cities, villages,  
16 and corporations for damages for injuries resulting from a fail-  
17 ure in the performance of the same duty respecting roads under  
18 their control ~~shall~~ apply to counties adopting ~~such~~ THE  
19 county road system. THIS SUBSECTION IS SUBJECT TO SECTION 14 OF  
20 THE MICHIGAN SNOWMOBILE ACT, ACT NO. 74 OF THE PUBLIC ACTS OF  
21 1968, BEING SECTION 257.1514 OF THE MICHIGAN COMPILED LAWS, AND  
22 SECTION 18 OF ACT NO. 319 OF THE PUBLIC ACTS OF 1975, BEING SEC-  
23 TION 257.1618 OF THE MICHIGAN COMPILED LAWS. ~~Actions~~

24       (3) AN ACTION arising ~~thereunder~~ UNDER SUBSECTION (2)  
25 shall be brought against the board of county road commissioners  
26 of the county and service shall be made upon the clerk and upon  
27 the ~~chairman~~ CHAIRPERSON of the board. ~~made defendant therein,~~

~~1 which~~ THE BOARD shall be named in the process as the "board of  
2 county road commissioners of the county of  
3 .....". ~~and any~~ ANY judgment obtained  
4 ~~thereon~~ against ~~such~~ THE board of county road commissioners  
5 IN THE ACTION shall be audited and paid from the county road fund  
6 as are other claims against ~~such~~ THE board of county road  
7 commissioners. ~~Provided, however, That no~~ HOWEVER, A board  
8 of county road commissioners ~~, subject to any liability under~~  
9 ~~this section, shall be~~ IS NOT liable for damages TO PERSON OR  
10 PROPERTY sustained by ~~any~~ A person upon ~~any~~ A county road ~~→~~  
11 ~~either to his person or property, by reason~~ BECAUSE of ~~any~~ A  
12 defective county road, bridge, or culvert under the jurisdiction  
13 of the board of county road commissioners, unless ~~such~~ THE  
14 person ~~shall serve~~ SERVES or ~~cause~~ CAUSES to be served within  
15 60 days after ~~such~~ THE OCCURRENCE OF THE injury ~~shall have~~  
16 ~~occurred,~~ a notice in writing upon the clerk and upon the  
17 ~~chairman~~ CHAIRPERSON of the board of county road commissioners.  
18 ~~of such board, which~~ THE notice shall set forth substantially  
19 the time when and place where ~~such~~ THE injury took place, the  
20 manner in which it occurred, ~~and~~ the KNOWN extent of ~~such~~  
21 ~~injuries as far as the same has become known~~ THE INJURY, the  
22 names of ~~the~~ ANY witnesses to ~~said~~ THE accident, ~~if any,~~  
23 and that the person receiving ~~such~~ THE injury intends to hold  
24 ~~such~~ THE county liable for ~~such~~ damages. ~~as may have been~~  
25 ~~sustained by him. It is the intention that the provisions of~~  
26 ~~this~~ THIS section ~~shall apply~~ APPLIES to all county roads  
27 whether ~~such roads~~ THEY become county roads under THIS chapter

1 ~~4 of the general highway laws, Act No. 283 of the Public Acts of~~  
2 ~~1909, as amended,~~ or under ~~the provisions of the Covert Act,~~  
3 ~~so called, the same being~~ Act No. 59 of the Public Acts of 1915,  
4 ~~as amended~~ BEING SECTIONS 247.418 TO 247.481 OF THE MICHIGAN  
5 COMPILED LAWS.