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Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 163 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Senator William Van Regenmorter

Committee: Judiciary

## **CONTENT**

The bill would amend the Revised Judicature Act to limit to \$1 million the noneconomic damages recoverable against a governmental agency for bodily injury or property damage that resulted from the negligent operation of a law enforcement vehicle. The limit on noneconomic damages would apply if, at the time of the occurrence that resulted in the injury or damage, the following conditions were met: the agency had in effect a law enforcement pursuit and response policy certified pursuant to the "Law Enforcement Pursuit and Response Policy Act" (proposed by House Bill 4039); the vehicle was engaged in law enforcement pursuit and response; the operator of the vehicle was certified by the agency as meeting the minimum requirements established for law enforcement vehicle operators under the proposed Act, and that certification was in effect at the time of the occurrence; and, during the occurrence, the operator was in substantial compliance with the law enforcement pursuit and response policy adopted by the governmental agency. The limit on noneconomic damages would not apply if the trier of fact determined that the bodily injury or property damage resulted from a governmental agency's gross negligence. An individual who sustained injury or damage arising from a law enforcement pursuit and response could not recover damages from any person if that individual were violating fleeing and eluding laws at the time of the occurrence. Each of these issues would be a question of law and could be decided by the court upon the motion of a party at any time before entry of judgment.

The bill is tie-barred to House Bill 4039.

MCL 600.6304 et al.

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

The bill would result in indeterminate savings to governmental agencies to the extent that future damages exceeded limits contained in the bill.

The Michigan Municipal League Liability Pool reports that over the past six years there were 11 payouts involving pursuit cases totaling \$4,004,000. That liability pool includes 670 members that have emergency vehicles.

The Michigan Municipal Risk Management Authority reports that from July 1988 through October 1997, 22 deaths and 24 serious injuries arising from 39 police chases resulted in \$22.8 million in payments to date. The Authority includes approximately 280 members that have emergency vehicles.

These two organizations do not include the City of Detroit, Wayne County, Oakland County, or Macomb County.

Date Completed: 11-10-97

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.