

# HOUSE BILL No. 4587

April 27, 1999, Introduced by Reps. Birkholz, Kukuk, Tabor, Voorhees, Hart, Kowall, Bisbee, Richner, LaSata, Gosselin, Reeves, Jansen, Shulman and Raczkowski and referred to the Committee on Family and Civil Law.

A bill to protect against interest, fines, penalties, and other fees and finance charges by political subdivisions for billing errors caused by computer date failures.

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

1       Sec. 1. As used in this act:

2       (a) "Computer" means a high-speed data processing device  
3 that performs logical, arithmetic, or memory functions by the  
4 manipulations of electronic or magnetic impulses and includes all  
5 input, output, processing, storage, or communication facilities  
6 that are connected or related to the device.

7       (b) "Computer date failure" means a malfunction, including,  
8 but not limited to, the malfunction of an electronic or mechani-  
9 cal device or the inability of a computer, a computer network, a  
10 computer program, computer software, an embedded chip, or a  
11 computer system to accurately store, process, receive, or

1 transmit data, that is caused directly or indirectly by the  
2 failure of a computer, a computer network, a computer program,  
3 computer software, an embedded chip, or a computer system to  
4 accurately or properly recognize, calculate, display, sort, or  
5 otherwise process dates or times in the years 1999 and 2000 and  
6 beyond.

7 (c) "Computer network" means an interconnection of 2 or more  
8 computers or computer systems by satellite, microwave, line,  
9 cable, wiring, or other communication medium with the capability  
10 to transmit information among the computers or computer systems.

11 (d) "Computer program" means an ordered set of data-coded  
12 instructions or statements that when executed by a computer cause  
13 the computer system to process data or perform specific  
14 functions.

15 (e) "Computer software" means a set of computer programs,  
16 procedures, and associated documentation related to the operation  
17 of a computer, computer system, or computer network.

18 (f) "Computer system" means a combination of a computer or a  
19 computer network with the documentation, computer software, or  
20 physical facilities supporting the computer or computer network.

21 (g) "Embedded chip" means a single or multiple microproces-  
22 sor chip that operates in conjunction with software, including  
23 software on the chip itself, and that in some way controls a  
24 device or equipment, including, but not limited to, a computer or  
25 other electronic or mechanical device.

26 (h) "Political subdivision" means a municipal corporation,  
27 county, county road commission, township, charter township,

1 school district, community college district, port district,  
2 metropolitan district, or transportation authority, or a combina-  
3 tion of these when acting jointly; a district or authority autho-  
4 rized by law or formed by 1 or more political subdivisions; or an  
5 agency, department, court, board, or council of a political  
6 subdivision.

7       Sec. 2. If a computer data failure, including, but not  
8 limited to, a failure to detect, disclose, prevent, report on, or  
9 remediate a computer data failure, directly or indirectly results  
10 in a billing error by a political subdivision for goods or serv-  
11 ices, including, but not limited to, utility service, provided to  
12 a person, or an error in the determination or assessment of a fee  
13 or tax payable by a person to a political subdivision, the polit-  
14 ical subdivision shall not assess, charge to, or collect from the  
15 person interest, penalties, fines, or other fees or finance  
16 charges on the amount of the error.