

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 4108

(As amended, May 10, 2006)

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2976.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2976. (1) A SELLER OR END USER WHO STORES, SECURES, USES,
2 TRANSPORTS, OR PROTECTS ANHYDROUS AMMONIA IN COMPLIANCE WITH AASSPS
3 IS IMMUNE FROM TORT LIABILITY FOR INJURY TO A PERSON, DAMAGE TO
4 PROPERTY, OR DEATH THAT RESULTS FROM THE LARCENY OR ATTEMPTED
5 LARCENY OF ANHYDROUS AMMONIA, OR FROM A PERSON OBTAINING OR USING,
6 OR ATTEMPTING TO OBTAIN OR USE, ANHYDROUS AMMONIA IN A MANNER
7 CONTRARY TO LAW. THE IMMUNITY FROM TORT LIABILITY UNDER THIS
8 SUBSECTION INCLUDES IMMUNITY FROM LIABILITY FOR AN INJURY TO,
9 DAMAGE TO THE PROPERTY OF, OR THE DEATH OF A PERSON WHO IS NOT THE

1 PERSON COMMITTING OR ATTEMPTING TO COMMIT A LARCENY OF, OR
2 OBTAINING, USING, OR ATTEMPTING TO OBTAIN OR USE, ANHYDROUS AMMONIA
3 IN A MANNER CONTRARY TO LAW.

4 (2) FAILURE OF A SELLER OR END USER TO STORE, SECURE, USE,
5 TRANSPORT, OR PROTECT ANHYDROUS AMMONIA IN COMPLIANCE WITH AASSPS
6 DOES NOT, BY ITSELF, CREATE TORT LIABILITY FOR INJURY TO PERSON,
7 DAMAGE TO PROPERTY, OR DEATH CAUSED BY THE STORING, SECURING,
8 USING, TRANSPORTING, OR PROTECTING OF ANHYDROUS AMMONIA.

9 (3) THIS SECTION APPLIES TO A CAUSE OF ACTION THAT ACCRUES
10 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
11 SECTION AND AFTER AASSPS ARE ESTABLISHED UNDER SECTION 5 OF THE
12 ANHYDROUS AMMONIA SECURITY ACT.

13 (4) AS USED IN THIS SECTION, "AASSPS", "ANHYDROUS AMMONIA",
14 "END USER", AND "SELLER" MEAN THOSE TERMS AS DEFINED IN SECTION 3
15 OF THE ANHYDROUS AMMONIA SECURITY ACT.

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No. 877 of the 93rd Legislature is enacted into
18 law.