

Act No. 418
Public Acts of 2006
Approved by the Governor
September 29, 2006
Filed with the Secretary of State
September 29, 2006
EFFECTIVE DATE: September 29, 2006

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Reps. Mayes, McConico, Plakas, Anderson, Stewart, Phillips, Kolb, Lipsey, Kooiman, Meyer, Newell, Vander Veen, Williams, Brown, Hunter, Tobocman, Farrah, Brandenburg, Wojno, Acciavatti, Clack, Condino, Taub, Accavitti, Amos, Gleason, Nofs, Ward, Byrum, Nitz, Stahl, Huizenga, Farhat, Moolenaar, Palsrok, Gillard, Casperson, Dillon, Angerer, Ball, Baxter, Booher, Byrnes, Caul, Cheeks, Clemente, Cushingberry, Elsenheimer, Espinoza, Gonzales, Green, Hansen, Hildenbrand, Jones, Kahn, Kehrl, Lemmons, III, Lemmons, Jr., McDowell, Moore, Polidori, Proos, Rocca, Sheltroun, Spade and Murphy

ENROLLED HOUSE BILL No. 4108

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9947) by adding section 2976.

The People of the State of Michigan enact:

Sec. 2976. (1) A seller or end user who stores, secures, uses, transports, or protects anhydrous ammonia in compliance with AASSPs is immune from tort liability for injury to a person, damage to property, or death that results from the larceny or attempted larceny of anhydrous ammonia, or from a person obtaining or using, or attempting to obtain or use, anhydrous ammonia in a manner contrary to law. The immunity from tort liability under this subsection includes immunity from liability for an injury to, damage to the property of, or the death of a person who is not the person committing or attempting to commit a larceny of, or obtaining, using, or attempting to obtain or use, anhydrous ammonia in a manner contrary to law.

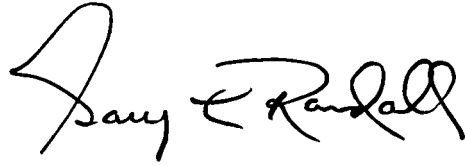
(2) Failure of a seller or end user to store, secure, use, transport, or protect anhydrous ammonia in compliance with AASSPs does not, by itself, create tort liability for injury to person, damage to property, or death caused by the storing, securing, using, transporting, or protecting of anhydrous ammonia.

(3) This section applies to a cause of action that accrues after the effective date of the amendatory act that added this section and after AASSPs are established under section 5 of the anhydrous ammonia security act.

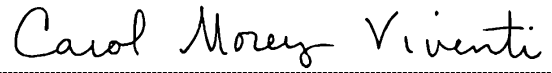
(4) As used in this section, "AASSPs", "anhydrous ammonia", "end user", and "seller" mean those terms as defined in section 3 of the anhydrous ammonia security act.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor