

HOUSE BILL No. 5816

April 17, 2018, Introduced by Reps. Green, Gay-Dagnogo, Chang, Greimel, Zemke, Camilleri, Hammoud, Yaroch, Sowerby, Ellison, Geiss, Hertel, Chirkun, LaGrand, Jones and Scott and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1964 PA 170, entitled

"An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,"

by amending section 3 (MCL 691.1403).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) ~~No~~**A** governmental agency is **NOT** liable for
2 injuries or damages caused by **A** defective ~~highways~~**HIGHWAY** unless
3 the governmental agency knew, or in the exercise of reasonable
4 diligence should have known, of the existence of the defect and had

1 a reasonable time to repair the defect before the injury **OR DAMAGE**
2 took place. ~~Knowledge~~ **EXCEPT AS PROVIDED IN SUBSECTION (2),**
3 **KNOWLEDGE** of the defect and time to repair the ~~same shall be~~ **DEFECT**
4 **IS** conclusively presumed ~~when~~ **IF** the defect existed so as to be
5 readily apparent to an ordinarily observant person for a period of
6 30 days or longer before the injury **OR DAMAGE** took place.

7 (2) **IF THE DEFECT IN THE HIGHWAY UNDER SUBSECTION (1) IS A**
8 **POTHOLE, KNOWLEDGE OF THE DEFECT AND THE TIME TO REPAIR THE DEFECT**
9 **IS CONCLUSIVELY PRESUMED IF THE DEFECT EXISTED SO AS TO BE READILY**
10 **APPARENT TO AN ORDINARILY OBSERVANT PERSON FOR A PERIOD OF 7 DAYS**
11 **OR LONGER BEFORE THE INJURY OR DAMAGE TOOK PLACE.**