

HOUSE BILL No. 5391

November 1, 2005, Introduced by Reps. Farrah, Clemente, Accavitti, Sak, Waters, Lemmons, Jr., Kathleen Law, Polidori, Tobocman, Clack, Hansen, Green, Vander Veen, Hopgood, Donigan, Hood, Lipsey, Kolb, McConico, Hune, Proos, Gonzales, Plakas, Virgil Smith and Farhat and referred to the Committee on Judiciary.

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,"

(MCL 691.1401 to 691.1419) by adding section 7c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 7C. (1) A MUNICIPAL CORPORATION, ORGANIZED FIRE
2 DEPARTMENT, OR AGENT OF A MUNICIPAL CORPORATION OR ORGANIZED FIRE

1 DEPARTMENT THAT DONATES FIRE CONTROL OR RESCUE EQUIPMENT TO ANOTHER
2 MUNICIPAL CORPORATION OR ORGANIZED FIRE DEPARTMENT IS NOT LIABLE
3 FOR DAMAGES FOR PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE
4 PROXIMATELY CAUSED AFTER THE DONATION BY A DEFECT IN THE EQUIPMENT.

5 (2) BEFORE USING EQUIPMENT DONATED UNDER SUBSECTION (1), A
6 MUNICIPAL CORPORATION OR ORGANIZED FIRE DEPARTMENT THAT RECEIVES
7 THE DONATED EQUIPMENT SHALL HAVE THE EQUIPMENT TESTED, REPAIRED, OR
8 MAINTAINED IF REQUIRED BY STATE OR FEDERAL LAW, RULE, OR REGULATION
9 AND SHALL NOT USE THE EQUIPMENT UNLESS THE USE COMPLIES WITH STATE
10 AND FEDERAL LAWS, RULES, AND REGULATIONS. SUBJECT TO SUBSECTION
11 (3), A MUNICIPAL CORPORATION OR ORGANIZED FIRE DEPARTMENT THAT
12 COMPLIES WITH THIS SUBSECTION IS NOT LIABLE FOR DAMAGES FOR
13 PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE PROXIMATELY CAUSED BY A
14 DEFECT IN THE DONATED EQUIPMENT.

15 (3) THE IMMUNITY FROM LIABILITY PROVIDED BY SUBSECTION (2)
16 DOES NOT AFFECT THE RIGHTS OF AN EMPLOYEE OR VOLUNTEER OF THE
17 MUNICIPAL CORPORATION OR ORGANIZED FIRE DEPARTMENT THAT RECEIVES
18 THE DONATED EQUIPMENT TO BENEFITS UNDER THE WORKER'S DISABILITY
19 COMPENSATION ACT OF 1969, 1969 PA 317, MCL 418.101 TO 418.941, OR
20 ANY SIMILAR LAW.

21 (4) AS USED IN THIS SECTION, "ORGANIZED FIRE DEPARTMENT" MEANS
22 THAT TERM AS DEFINED IN SECTION 1 OF THE FIRE PREVENTION CODE, 1941
23 PA 207, MCL 29.1.