

# Legislative Analysis

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## **LIABILITY FOR TREBLE DAMAGES FOR INJURY TO A PUBLIC BRIDGE OR ROAD**

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4973 as introduced**  
**Sponsor: Rep. Graham Fuller**  
**Committee: Transportation**  
**Complete to 10-18-21**

Analysis available at  
<http://www.legislature.mi.gov>

### **SUMMARY:**

House Bill 4973 would amend 1909 PA 283, which addresses public highways and private roads, to revise provisions that govern actions for liability for damage to a public bridge or road. The bill would specifically allow a civil action to be brought by the governmental entity with jurisdiction over the bridge or road.

Currently, a person who damages a public road or a bridge maintained at public expense is liable for three times the amount of the damage. The law currently states that the amount is recoverable in an action of trespass or on the case, by the commissioner of highways of the township where the damage occurred, in the name of that office. The recovered amount must be spent by that commissioner on the repair of roads in that township.

The bill would not change the cause of action (damage to a public road or bridge) or the amount of the liability (three times the damage), but it would provide that the amount is recoverable in a civil action brought by the governmental entity with jurisdiction over the bridge or road and that it must be spent on the repair of roads under the jurisdiction of that governmental entity.

MCL 230.7

### **FISCAL IMPACT:**

A fiscal analysis is in progress.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.