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House Bill 4973 (as passed by the House)
Sponsor: Representative Graham Filler
House Committee: Transportation
Senate Committee: Transportation and Infrastructure

Date Completed: 5-11-22

CONTENT

The bill would amend Public Act 283 of 1909, the county road law, to specify that a person who injured a bridge maintained at public expense or a public road by drawing logs or timber on the surface of the bridge or road, or by any other act, would be liable in damages to three times the amount of the injury, which would have to be recovered in a civil action brought by the governmental entity with jurisdiction over the bridge or road and expended in the repair of roads under the governmental entity's jurisdiction.

Under the Act, a person who injures a bridge maintained at public expense or any public road by drawing logs or timber on the surface of the bridge or road, or by any other act, is liable in damages to three times the amount of the injury, which is required in an action of trespass or on the case by the commissioner of highways of the township in which the injury was done, in his name of office. The damages recovered must be spent in the repair of roads in his township. Under the bill, damages would have to be recovered in a *civil action* brought by the governmental entity with jurisdiction over the bridge or road and recovered damages would have to be spent in the repair of roads *under the governmental entity's jurisdiction*.

MCL 230.7

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bill would not have a significant fiscal impact on State or local government. The Act that the bill would amend is over 100 years old and is not applicable in current tort actions brought by a governmental agency to recover damages. This is, chiefly, because the section at issue currently grants the power to recover damages done to a public road to a "commissioner of highways of the township", a reference to an office that no longer exists. Furthermore, highways and public roads no longer are under the jurisdiction of townships. Currently, all Michigan roads are under the jurisdiction of either the State, counties, or cities/villages. Currently, when a vehicular accident or incident causes damage to a roadway, the Insurance Code (PA 218 of 1956) provides a means for a governmental agency to recover damages. It is anticipated that the changes proposed in the bill would allow for an alternative means of recovery for damages from incidents that do not involve vehicular accidents or incidents, or for incidents in which damages are not covered by insurance.

Fiscal Analyst: Michael Siracuse

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