

Report on Public Policy Position

Name of section:

Negligence Law

Contact person:

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Bill Number:

[HB 5744](#) (Kandrevas) Torts; defenses; openness and obviousness of condition; establish as issue of comparative fault only. Amends sec. 2959 of [1961 PA 236](#) (MCL [600.2959](#)).

Date position was adopted:

February 24, 2010

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting

Number of members in the decision-making body:

15

Number who voted in favor and opposed to the position:

9 Voted for position

0 Voted against position

0 Abstained from vote

6 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

The Section supports the goal of HB 5744, which is to make the "openness and obvious" condition of a hazard a question of fact for purposes of comparative fault. It should not be a question of fact to determine whether there was a duty to maintain premises in a reasonably safe condition.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2010-HB-5744>