

Negligence Law Section

Negligence Law Section E-Journal

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“Closing the Book on 2025”

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The year is rapidly coming to a close, and as this is being written, there are only one or two more days where the Michigan Legislature will be in session. Even if there were to be a large number of bills agreed upon by both the House and Senate in the next few days, it will not be enough to make 2025 the year with the lowest production of legislation in Michigan history.

Some might argue that low legislative activity is good for Michigan citizens. There have always been political minds who feel that most legislation is either unnecessary or even harmful to various interests. In the average year, the Governor will sign into law two- or three-hundred public acts. Only a small number are typically controversial, with most being tweaks to current laws to reflect some new wrinkle. In 2025, that total number of new public acts stands at 38 (although there could be a few more passed before the final gavel falls).

That low level of production has created a massive backlog of bills that are mostly non-controversial and in that same “tweaks to current laws” vein. Among the bills that have managed to become law this year, several were related to the 2025-6 fiscal year budget deal; a handful renamed highways; a few dealt with tuition, child care and health care assistance for members of the Michigan National Guard; two created criminal and civil liability for the creation of “deep-fake” sexual images; and two altered the Michigan Minimum Wage Act and Earned Sick Time Act.

Going into 2026, there are differences of opinion on whether or not the slow pace of legislative activity will change. On the one hand, it will be an election year, which usually slows down legislative output for two reasons: 1. The Legislature takes more breaks so its members can hit the campaign trail; and 2. Lawmakers become more skittish about supporting legislation that could possibly come back to bite them in the campaign.

On the other hand, most politicians are loathe to go into a reelection campaign with few legislative achievements to report. Even voters who are the most unenthusiastic about politicians in general like to believe that their own lawmakers are bringing home the bacon. This could lead to more pressure on Speaker of the House Matt Hall and Senate Majority Leader Winnie Brinks to increase the legislative output level.

Even with the small number of bills that are actually making it to the Governor's desk, there has been some activity on legislation that impacts Negligence Section members and their clients. Most recently, the Senate Finance, Insurance and Consumer Protection Committee took testimony on Senate Bill 245 – a bill that would amend the Michigan Insurance Code to expand the definition of “unfair and deceptive business practices.” The bill would also provide for a private right of action for victims of such practices.

Known colloquially as the “Bad Faith Tort” bill, Senate Bill 245 is a slimmed-down version of legislation that was introduced last session when Democrats controlled both chambers in the Michigan Legislature. The bill this session is mostly for discussion purposes since its chances of passing the Republican-controlled House are very slim – especially since at this time the majority of business advocacy groups are opposed to it. The Negligence Section has not yet taken a position on the bill.

Another bill package that might have some legs is also coming up at the end of the year. House Bills 5288 and 5299 amend the Michigan Insurance Code regarding Personal Injury Protection (PIP) benefits for vehicles that are in the business of transporting passengers (e.g. taxi, Uber, bus, limousine, etc.). The bills seek to alter the order of priority for which insurance will cover an injured person.

Currently, the order of priority for passengers of most such vehicles is their own PIP insurance coverage, followed by the insurance of the owner of the vehicle if the passenger is uninsured. For some vehicles, such as limousines, ambulances, airport shuttles and some others, the insurance of the vehicle owner is primary followed by the passenger's own policy. House Bills 5288 and 5299 would remove the insurance of the vehicle owner from the order or priority altogether. This would mean that the only recourse for injured, uninsured passengers would be the Michigan Assigned Claims Plan.

So far, the Negligence Section has not weighed in on these bills. The plaintiff's bar, represented by the Michigan Association of Justice plans to take an opposing position to the bills. They cite the additional burden it could place on the Michigan Assigned Claims Plan, and potentially Medicaid for seriously injured passengers. The bill will receive a hearing in the House Insurance Committee before the end of the year.

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