

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4524

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5805 (MCL 600.5805), as amended by 1988 PA
115.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 5805. (1) A person shall not bring or maintain an
2 action to recover damages for injuries to persons or property
3 unless, after the claim first accrued to the plaintiff or to
4 someone through whom the plaintiff claims, the action is com-
5 menced within the periods of time prescribed by this section.
6 (2) The period of limitations is 2 years for an action
7 charging assault, battery, or false imprisonment.
8 (3) THE PERIOD OF LIMITATIONS IS 5 YEARS FOR AN ACTION
9 CHARGING ASSAULT OR BATTERY BROUGHT BY A PERSON WHO HAS BEEN
10 ASSAULTED OR BATTERED BY HIS OR HER SPOUSE OR FORMER SPOUSE, AN

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1 INDIVIDUAL WITH WHOM HE OR SHE HAS HAD A CHILD IN COMMON, OR A
2 PERSON WITH WHOM HE OR SHE RESIDES OR FORMERLY RESIDED. THIS
3 LIMITATION APPLIES TO CAUSES OF ACTION ARISING ON OR AFTER THE
4 DATE OF ENACTMENT OF THE AMENDATORY ACT THAT ADDED THIS SUBSEC-
5 TION AND TO CAUSES OF ACTION IN WHICH THE PERIOD OF LIMITATIONS
6 DESCRIBED IN SUBSECTION (2) HAS NOT ALREADY EXPIRED AS OF THE
7 DATE OF ENACTMENT OF THE AMENDATORY ACT THAT ADDED THIS
8 SUBSECTION.

9 (4) ~~-(3)-~~ The period of limitations is 2 years for an action
10 charging malicious prosecution.

11 (5) ~~-(4)-~~ Except as otherwise provided in this chapter, the
12 period of limitations is 2 years for an action charging
13 malpractice.

14 (6) ~~-(5)-~~ The period of limitations is 2 years for an action
15 against a sheriff charging misconduct or neglect of office by the
16 sheriff or the sheriff's deputies.

17 (7) ~~-(6)-~~ The period of limitations is 2 years after the
18 expiration of the year for which a constable was elected for
19 actions based on the constable's negligence or misconduct as
20 constable.

21 (8) ~~-(7)-~~ The period of limitations is 1 year for an action
22 charging libel or slander.

23 (9) ~~-(8)-~~ The period of limitations is 3 years after the
24 time of the death or injury for all other actions to recover dam-
25 ages for the death of a person, or for injury to a person or
26 property.

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1 (10) THE PERIOD OF LIMITATIONS IS 5 YEARS FOR AN ACTION TO
2 RECOVER DAMAGES FOR INJURY TO A PERSON OR PROPERTY BROUGHT BY A
3 PERSON WHO HAS BEEN ASSAULTED OR BATTERED BY HIS OR HER SPOUSE OR
4 FORMER SPOUSE, AN INDIVIDUAL WITH WHOM HE OR SHE HAS HAD A CHILD
5 IN COMMON, OR A PERSON WITH WHOM HE OR SHE RESIDES OR FORMERLY
6 RESIDED. THIS LIMITATION APPLIES TO CAUSES OF ACTION ARISING ON
7 OR AFTER THE DATE OF ENACTMENT OF THE AMENDATORY ACT THAT ADDED
8 THIS SUBSECTION AND TO CAUSES OF ACTION IN WHICH THE PERIOD OF
9 LIMITATIONS DESCRIBED IN SUBSECTION (9) HAS NOT ALREADY EXPIRED
10 AS OF THE DATE OF ENACTMENT OF THE AMENDATORY ACT THAT ADDED THIS
11 SUBSECTION.

12 (11) ~~(9)~~ The period of limitations is 3 years for a pro-
13 ducts liability action. However, in the case of a product
14 ~~which~~ THAT has been in use for not less than 10 years, the
15 plaintiff, in proving a prima facie case, shall be required to do
16 so without benefit of any presumption.

17 (12) ~~(10)~~ The period of limitations for an action against
18 a state licensed architect, professional engineer, land surveyor,
19 or contractor based on an improvement to real property shall be
20 as provided in section 5839.

21 Enacting section 1. This amendatory act does not take
22 effect unless House Bill No. 4187 of the 90th Legislature is
23 enacted into law.