

Act No. 3
Public Acts of 2000
Approved by the Governor
February 17, 2000
Filed with the Secretary of State
February 17, 2000
EFFECTIVE DATE: February 17, 2000

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

Introduced by Reps. Shulman, Bovin, Gosselin and Richner

ENROLLED HOUSE BILL No. 4524

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 5805 (MCL 600.5805), as amended by 1988 PA 115.

The People of the State of Michigan enact:

Sec. 5805. (1) A person shall not bring or maintain an action to recover damages for injuries to persons or property unless, after the claim first accrued to the plaintiff or to someone through whom the plaintiff claims, the action is commenced within the periods of time prescribed by this section.

(2) The period of limitations is 2 years for an action charging assault, battery, or false imprisonment.

(3) The period of limitations is 5 years for an action charging assault or battery brought by a person who has been assaulted or battered by his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a person with whom he or she resides or formerly resided. This limitation applies to causes of action arising on or after the date of enactment of the amendatory act that added this subsection and to causes of action in which the period of limitations described in subsection (2) has not already expired as of the date of enactment of the amendatory act that added this subsection.

(4) The period of limitations is 2 years for an action charging malicious prosecution.

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

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

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

(8) The period of limitations is 1 year for an action charging libel or slander.

(9) The period of limitations is 3 years after the time of the death or injury for all other actions to recover damages for the death of a person, or for injury to a person or property.

(10) The period of limitations is 5 years for an action to recover damages for injury to a person or property brought by a person who has been assaulted or battered by his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a person with whom he or she resides or formerly resided. This limitation applies to

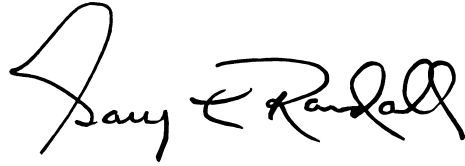
causes of action arising on or after the date of enactment of the amendatory act that added this subsection and to causes of action in which the period of limitations described in subsection (9) has not already expired as of the date of enactment of the amendatory act that added this subsection.

(11) The period of limitations is 3 years for a products liability action. However, in the case of a product that has been in use for not less than 10 years, the plaintiff, in proving a prima facie case, shall be required to do so without benefit of any presumption.


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

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

Governor.