

HOUSE BILL No. 4524

April 20, 1999, Introduced by Reps. Shulman, Bovin, Gosselin and Richner and referred to the Committee on Family and Civil Law.

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 VICTIM OF DOMESTIC
10 VIOLENCE AS DEFINED IN SECTION 1 OF 1978 PA 389, MCL 400.1501.

1 (4) ~~-(3)-~~ The period of limitations is 2 years for an action
2 charging malicious prosecution.

3 (5) ~~-(4)-~~ Except as otherwise provided in this chapter, the
4 period of limitations is 2 years for an action charging
5 malpractice.

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

9 (7) ~~-(6)-~~ The period of limitations is 2 years after the
10 expiration of the year for which a constable was elected for
11 actions based on the constable's negligence or misconduct as
12 constable.

13 (8) ~~-(7)-~~ The period of limitations is 1 year for an action
14 charging libel or slander.

15 (9) ~~-(8)-~~ The period of limitations is 3 years after the
16 time of the death or injury for all other actions to recover dam-
17 ages for the death of a person, or for injury to a person or
18 property.

19 (10) THE PERIOD OF LIMITATIONS IS 5 YEARS FOR AN ACTION TO
20 RECOVER DAMAGES FOR INJURY TO A PERSON OR PROPERTY BROUGHT BY A
21 VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN SECTION 1 OF 1978 PA
22 389, MCL 400.1501.

23 (11) ~~-(9)-~~ The period of limitations is 3 years for a pro-
24 ducts liability action. However, in the case of a product
25 ~~which~~ THAT has been in use for not less than 10 years, the
26 plaintiff, in proving a prima facie case, shall be required to do
27 so without benefit of any presumption.

1 (12) ~~(10)~~ The period of limitations for an action against
2 a state licensed architect, professional engineer, land surveyor,
3 or contractor based on an improvement to real property shall be
4 as provided in section 5839.