

HOUSE BILL No. 5710

February 16, 2006, Introduced by Reps. Dillon, Lipsey, Miller, Plakas, Gleason,
Cushingberry, Meisner, Polidori, Farrah, Condino, Tobocman, Kolb, Brown, Donigan,
Mayes and Waters and referred to the Committee on Judiciary.

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending section 801 (MCL 37.2801).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 801. (1) A person alleging a violation of this act may
2 bring a civil action for appropriate injunctive relief or damages,
3 or both.

4 (2) An action commenced pursuant to subsection (1) may be
5 brought in the circuit court for the county where the alleged
6 violation occurred — or for the county where the person against
7 whom the civil complaint is filed resides or has his principal
8 place of business.

9 (3) As used in subsection (1), "damages" means damages for

1 injury or loss caused by each violation of this act, including
2 reasonable ~~attorney's~~ ATTORNEY fees.

3 (4) A PROVISION IN AN AGREEMENT THAT PURPORTS TO LIMIT THE
4 TIME FOR BRINGING AN ACTION FOR A VIOLATION OF ARTICLE 2 TO LESS
5 THAN 1 YEAR IS CONTRARY TO PUBLIC POLICY AND IS UNENFORCEABLE.

6 (5) A PROVISION IN AN EMPLOYMENT AGREEMENT THAT PURPORTS TO
7 LIMIT THE TIME FOR BRINGING AN ACTION FOR A VIOLATION OF ARTICLE 2
8 IN A MANNER THAT IS NOT CONTRARY TO PUBLIC POLICY IS, NEVERTHELESS,
9 NOT ENFORCEABLE UNLESS THE EMPLOYEE HAS SEPARATELY SIGNED AN
10 ACKNOWLEDGMENT OF THE LIMITATION PROVISION.