

# HOUSE BILL No. 6224

June 12, 2018, Introduced by Reps. Faris, Sabo, Ellison, LaGrand, Cochran, Lasinski, Green, Yancey, Geiss, Pagan, Wittenberg, Moss, Greimel, Brinks, Chirkun, Durhal, Sowerby, Greig, Cambensy, Gay-Dagnogo, Sneller, Phelps, Hammoud, Jones, Neeley, Rabhi and Zemke and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 5805 (MCL 600.5805), as amended by 2012 PA 582.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

6           (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PERIOD  
7 OF LIMITATIONS IS 3 YEARS AFTER THE TIME OF THE DEATH OR INJURY FOR  
8 ALL ACTIONS TO RECOVER DAMAGES FOR THE DEATH OF A PERSON OR FOR

1 **INJURY TO A PERSON OR PROPERTY.**

2 (3) ~~(2)~~—Subject to subsections ~~(3)~~ and ~~(4)~~ **AND (5)**, the period  
3 of limitations is 2 years for an action charging assault, battery,  
4 or false imprisonment.

5 (4) ~~(3)~~—The period of limitations is 5 years for an action  
6 charging assault or battery brought by a person who has been  
7 assaulted or battered by his or her spouse or former spouse, an  
8 individual with whom he or she has had a child in common, or a  
9 person with whom he or she resides or formerly resided.

10 (5) ~~(4)~~—The period of limitations is 5 years for an action  
11 charging assault and battery brought by a person who has been  
12 assaulted or battered by an individual with whom he or she has or  
13 has had a dating relationship.

14 (6) ~~(5)~~—The period of limitations is 2 years for an action  
15 charging malicious prosecution.

16 (7) ~~(6)~~—Except as otherwise provided in this chapter, the  
17 period of limitations is 2 years for an action charging  
18 malpractice.

19 (8) ~~(7)~~—The period of limitations is 2 years for an action  
20 against a sheriff charging misconduct or neglect of office by the  
21 sheriff or the sheriff's deputies.

22 (9) ~~(8)~~—The period of limitations is 2 years after the  
23 expiration of the year for which a constable was elected for  
24 actions based on the constable's negligence or misconduct as  
25 constable.

26 (10) ~~(9)~~—The period of limitations is 1 year for an action  
27 charging libel or slander.

1 ~~(10) Except as otherwise provided in this section, the period~~  
2 ~~of limitations is 3 years after the time of the death or injury for~~  
3 ~~all actions to recover damages for the death of a person, or for~~  
4 ~~injury to a person or property.~~

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

11 (12) The period of limitations is 5 years for an action to  
12 recover damages for injury to a person or property brought by a  
13 person who has been assaulted or battered by an individual with  
14 whom he or she has or has had a dating relationship.

15 (13) The period of limitations is 3 years for a products  
16 liability action. However, in ~~the case of~~ **FOR** a product that has  
17 been in use for not less than 10 years, the plaintiff, in proving a  
18 prima facie case, ~~shall be required to~~ **MUST** do so without **THE**  
19 benefit of any presumption.

20 (14) An action against a state licensed architect or  
21 professional engineer or licensed professional surveyor arising  
22 from professional services rendered is an action charging  
23 malpractice subject to the period of limitation contained in  
24 subsection ~~(6)~~ **(7)**.

25 **(15) THE PERIOD OF LIMITATIONS FOR A CAUSE OF ACTION BASED ON**  
26 **DRUG PRODUCT LIABILITY THAT WAS BARRED BY SECTION 2946(5) AND THAT**  
27 **OTHERWISE COULD HAVE BEEN COMMENCED AFTER JANUARY 1, 1996 AND**

1 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT DELETED  
2 SECTION 2946(5) IS 3 YEARS AFTER THE EFFECTIVE DATE OF THE  
3 AMENDATORY ACT THAT DELETED SECTION 2946(5).

4 (16) ~~(15)~~—The periods of limitation under this section are  
5 subject to any applicable period of repose established in section  
6 5838a, 5838b, or 5839.

7 (17) ~~(16)~~—The amendments to this section made by 2011 PA 162  
8 apply to causes of action that accrue on or after January 1, 2012.

9 (18) ~~(17)~~—As used in this section, "dating relationship" means  
10 frequent, intimate associations primarily characterized by the  
11 expectation of affectional involvement. Dating relationship does  
12 not include a casual relationship or an ordinary fraternization  
13 between 2 individuals in a business or social context.

14 Enacting section 1. Section 5805 of the revised judicature act  
15 of 1961, 1961 PA 236, MCL 600.5805, as amended by this amendatory  
16 act, applies to an action filed after January 1, 1996 and before  
17 the effective date of this amendatory act if a final judgment or  
18 order has not been entered in the action.

19 Enacting section 2. This amendatory act does not take effect  
20 unless Senate Bill No. \_\_\_\_ or House Bill No. 6225 (request no.  
21 00917'17) of the 99th Legislature is enacted into law.