

SUBSTITUTE FOR
HOUSE BILL NO. 4187

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. THIS LIMITATION APPLIES TO CAUSES OF ACTION ARISING ON

1 OR AFTER THE DATE OF ENACTMENT OF THE AMENDATORY ACT THAT ADDED
2 THIS SUBSECTION AND TO CAUSES OF ACTION IN WHICH THE PERIOD OF
3 LIMITATIONS DESCRIBED IN SUBSECTION (2) HAS NOT ALREADY EXPIRED
4 AS OF THE DATE OF ENACTMENT OF THE AMENDATORY ACT THAT ADDED THIS
5 SUBSECTION.

6 (4) ~~-(3)-~~ The period of limitations is 2 years for an action
7 charging malicious prosecution.

8 (5) ~~-(4)-~~ Except as otherwise provided in this chapter, the
9 period of limitations is 2 years for an action charging
10 malpractice.

11 (6) ~~-(5)-~~ The period of limitations is 2 years for an action
12 against a sheriff charging misconduct or neglect of office by the
13 sheriff or the sheriff's deputies.

14 (7) ~~-(6)-~~ The period of limitations is 2 years after the
15 expiration of the year for which a constable was elected for
16 actions based on the constable's negligence or misconduct as
17 constable.

18 (8) ~~-(7)-~~ The period of limitations is 1 year for an action
19 charging libel or slander.

20 (9) ~~-(8)-~~ The period of limitations is 3 years after the
21 time of the death or injury for all other actions to recover dam-
22 ages for the death of a person, or for injury to a person or
23 property.

24 (10) ~~-(9)-~~ The period of limitations is 3 years for a pro-
25 ducts liability action. However, in the case of a product
26 ~~which~~ THAT has been in use for not less than 10 years, the

1 plaintiff, in proving a prima facie case, shall be required to do
2 so without benefit of any presumption.

3 (11) ~~—(10)—~~ The period of limitations for an action against
4 a state licensed architect, professional engineer, land surveyor,
5 or contractor based on an improvement to real property shall be
6 as provided in section 5839.

7 (12) AS USED IN THIS SECTION, "DOMESTIC VIOLENCE" MEANS
8 INFLECTING BODILY INJURY CAUSING SERIOUS EMOTIONAL INJURY OR PSY-
9 CHOLOGICAL TRAUMA, OR PLACING IN FEAR OF IMMINENT PHYSICAL HARM
10 BY THREAT OR FORCE BY AN ASSAILANT AGAINST A VICTIM, IF BOTH OF
11 THE FOLLOWING APPLY:

12 (A) THE VICTIM IS A PERSON ASSAULTED BY OR THREATENED BY
13 ASSAULT BY HIS OR HER SPOUSE, FORMER SPOUSE, OR A PERSON WITH
14 WHOM HE OR SHE HAS A CHILD IN COMMON, OR AN ADULT PERSON OR EMAN-
15 CIPATED MINOR ASSAULTED BY AN ADULT PERSON OF THE OPPOSITE SEX
16 WITH WHOM THE ASSAULTED PERSON COHABITS OR FORMERLY COHABITED.

17 (B) THE VICTIM AND ASSAILANT ARE OR WERE INVOLVED IN A CON-
18 SENSUAL SEXUAL RELATIONSHIP.

19 Enacting section 1. This amendatory act does not take
20 effect unless House Bill No. 4524 of the 90th Legislature is
21 enacted into law.