

**SUBSTITUTE FOR
HOUSE BILL NO. 4524**

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 2 years for an action
9 charging malicious prosecution.

HB4524, As Passed House, May 11, 1999

House Bill No. 4524

2

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

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

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

9 (7) The period of limitations is 1 year for an action charg-
10 ing libel or slander.

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

14 (9) THE PERIOD OF LIMITATIONS IS 5 YEARS FOR AN ACTION TO
15 RECOVER DAMAGES FOR INJURY TO A PERSON OR PROPERTY BROUGHT BY A
16 VICTIM OF DOMESTIC VIOLENCE. THIS LIMITATION APPLIES TO CAUSES
17 OF ACTION ARISING ON OR AFTER THE DATE OF ENACTMENT OF THE AMEN-
18 DATORY ACT THAT ADDED THIS SUBSECTION AND TO CAUSES OF ACTION IN
19 WHICH THE PERIOD OF LIMITATIONS DESCRIBED IN SUBSECTION (8) HAS
20 NOT ALREADY EXPIRED AS OF THE DATE OF ENACTMENT OF THE AMENDATORY
21 ACT THAT ADDED THIS SUBSECTION.

22 (10) ~~(9)~~ The period of limitations is 3 years for a pro-
23 ducts liability action. However, in the case of a product
24 ~~which~~ THAT has been in use for not less than 10 years, the
25 plaintiff, in proving a prima facie case, shall be required to do
26 so without benefit of any presumption.

HB4524, As Passed House, May 11, 1999

House Bill No. 4524

3

1 (11) ~~(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.

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

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

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

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