

# HOUSE BILL No. 5972

April 30, 2002, Introduced by Reps. Vander Roest, Palmer, Julian, Meyer, Hummel, Gilbert, Pappageorge, Mead, Cassis, Drolet, Kuipers, Spade, Ehardt, Vear, Pumford, Van Woerkom, Kowall, Sheltroun, Callahan, Gosselin, Cameron Brown, Rocca, Bovin, Voorhees, Pestka, Kooiman, Jansen, Shulman and Jelinek and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 5805 (MCL 600.5805), as amended by 2000 PA  
3.

**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~~ INJURY to ~~persons~~ A  
3 PERSON or property unless, after the claim first accrued to the  
4 plaintiff or to someone through whom the plaintiff claims, the  
5 action is commenced within the ~~periods~~ APPLICABLE PERIOD of  
6 time prescribed by this section.

7       (2) The period of limitations is 2 years for an action  
8 charging assault, battery, or false imprisonment.

9       (3) The period of limitations is 5 years for an action  
10 charging assault or battery brought by a person who has been

1 assaulted or battered by his or her spouse or former spouse, an  
2 individual with whom he or she has had a child in common, or a  
3 person with whom he or she resides or formerly resided. This  
4 limitation applies to causes of action arising on or after ~~the~~  
5 ~~date of enactment of the amendatory act that added this~~  
6 ~~subsection~~ FEBRUARY 17, 2000, and to causes of action in which  
7 the period of limitations described in subsection (2) has not  
8 already expired as of ~~the date of enactment of the amendatory~~  
9 ~~act that added this subsection~~ FEBRUARY 17, 2000.

10 (4) The period of limitations is 2 years for an action  
11 charging malicious prosecution.

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

14 (6) The period of limitations is 2 years for an action  
15 against a sheriff charging misconduct or neglect of office by the  
16 sheriff or the sheriff's deputies.

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

20 (8) The period of limitations is 1 year for an action charg-  
21 ing libel or slander.

22 (9) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE  
23 period of limitations is 3 years after the time of the death or  
24 injury for ~~all other actions~~ AN ACTION to recover damages for  
25 the death of a person, or for injury to a person or property.

26 (10) The period of limitations is 5 years for an action to  
27 recover damages for injury to a person or property brought by a

1 person who has been assaulted or battered by his or her spouse or  
2 former spouse, an individual with whom he or she has had a child  
3 in common, or a person with whom he or she resides or formerly  
4 resided. This limitation applies to causes of action arising on  
5 or after ~~the date of enactment of the amendatory act that added~~  
6 ~~this subsection~~ FEBRUARY 17, 2000, and to causes of action in  
7 which the period of limitations described in subsection (9) has  
8 not already expired as of ~~the date of enactment of the amenda-~~  
9 ~~tory act that added this subsection~~ FEBRUARY 17, 2000.

10 (11) The period of limitations is 3 years for a products  
11 liability action. However, in the case of a product that has  
12 been in use for not less than 10 years, the plaintiff, in proving  
13 a prima facie case, ~~shall be~~ IS required to do so without bene-  
14 fit of any presumption.

15 (12) The period of limitations for an action against a state  
16 licensed architect, professional engineer, land surveyor, or con-  
17 tractor based on an improvement to real property ~~shall be~~ IS as  
18 provided in section 5839.

19 (13) AN ACTION TO RECOVER DAMAGES FOR PERSONAL INJURY SUS-  
20 TAINED AS THE RESULT OF AN ABORTION, NOTWITHSTANDING ANY OTHER  
21 PERIOD OF LIMITATION PRESCRIBED BY LAW, MAY BE BROUGHT AT ANY  
22 TIME WITHOUT LIMITATION. AS USED IN THIS SUBSECTION, "ABORTION"  
23 MEANS THAT TERM AS DEFINED IN SECTION 17015 OF THE PUBLIC HEALTH  
24 CODE, 1978 PA 368, MCL 333.17015.