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S.B. 990: FLOOR ANALYSIS

Senate Bill 990 (as reported without amendment)

Sponsor: Senator Michael D. Bishop

Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to revise a provision that tolls (or suspends) the statute of limitations at the time a complaint is filed and a copy of the summons and complaint are served on the defendant. Under the bill, the statute of limitations would be tolled only if the summons and complaint were served on the defendant within the time set forth in the court rules. (Under the court rules, a summons expires 91 days after the date the complaint is filed. Within those 91 days, however, if the plaintiff shows due diligence in attempting to serve the original summons, the judge may order a second summons issued for a definite period of up to one year. When a summons expires, the action is considered dismissed as to a defendant who has not been served with the complaint, although the plaintiff may file a new action against the defendant.)

The bill also would delete a provision that tolls the statute of limitations at the time the complaint is filed and a copy of the summons and complaint in good faith are placed in the hands of an officer for immediate service, for up to 90 days after the officer receives the summons and complaint.

MCL 600.5856 Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 3-10-04 Fiscal Analyst: Bethany Wicksall