

HOUSE BILL No. 4182

February 3, 2005, Introduced by Rep. Hunter and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2975.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 2975. (1) A PERSON WHO KNOWINGLY RENTS, LEASES, OR SELLS**
2 **IMPROVED REAL PROPERTY THAT CONTAINS LEAD-BASED PAINT, TOXIC MOLD,**
3 **OR ASBESTOS WITHOUT DISCLOSING ITS PRESENCE IS LIABLE IN A CIVIL**
4 **ACTION FOR DAMAGES AND COSTS AND FEES AS FURTHER DESCRIBED IN THIS**
5 **SECTION.**

6 **(2) THE COURT SHALL AWARD 3 TIMES THE AMOUNT OF DAMAGES**
7 **SUSTAINED BY THE PLAINTIFF AS WELL AS COSTS AND FEES ASSOCIATED**
8 **WITH AN ACTION BROUGHT UNDER SUBSECTION (1) TO A PREVAILING**

1 PLAINTIFF.

2 (3) AS USED IN THIS SECTION, "COSTS AND FEES" MEANS THE NORMAL
3 COSTS INCURRED IN BEING A PARTY IN A CIVIL ACTION AFTER AN ACTION
4 HAS BEEN FILED WITH THE COURT, THOSE PROVIDED BY LAW OR COURT RULE,
5 AND THE FOLLOWING:

6 (A) THE REASONABLE AND NECESSARY EXPENSES OF EXPERT WITNESSES
7 AS DETERMINED BY THE COURT.

8 (B) THE REASONABLE COST OF ANY STUDY, ANALYSIS, ENGINEERING
9 REPORT, TEST, OR PROJECT THAT IS DETERMINED BY THE COURT TO HAVE
10 BEEN NECESSARY FOR THE PREPARATION OF THE PARTY'S CASE.

11 (C) REASONABLE ATTORNEY FEES.