

HOUSE BILL No. 4045

January 22, 2007, Introduced by Reps. McDowell, Tobocman, Simpson, Gillard, Spade, Lahti, Hammel, Byrnes, Meadows, Byrum, Dean, Angerer, Valentine, Corriveau, Hammon, Ebli, Condino, Kathleen Law, Melton, Donigan, Vagnozzi, Lemmons, Hood, Hopgood, Brown and Young and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5805 (MCL 600.5805), as amended by 2002 PA 715.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5805. (1) A person shall not bring or maintain an action
2 to recover damages for injuries to persons or property unless,
3 after the claim first accrued to the plaintiff or to someone
4 through whom the plaintiff claims, the action is commenced within
5 the periods of time prescribed by this section.

6 (2) ~~The~~**SUBJECT TO SUBSECTIONS (3) AND (4),** THE period of
7 limitations is 2 years for an action charging assault, battery, or
8 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
11 assaulted or battered by his or her spouse or former spouse, an

1 individual with whom he or she has had a child in common, or a
2 person with whom he or she resides or formerly resided. This
3 limitation applies to causes of action arising on or after February
4 17, 2000 and to causes of action in which the period of limitations
5 described in subsection (2) has not already expired as of February
6 17, 2000.

7 (4) The period of limitations is 5 years for an action
8 charging assault and battery brought by a person who has been
9 assaulted or battered by an individual with whom he or she has or
10 has had a dating relationship. This limitation applies to causes of
11 action arising on or after January 1, 2003 and to causes of action
12 in which the period of limitations described in subsection (2) has
13 not already expired as of January 1, 2003.

14 (5) The period of limitations is 2 years for an action
15 charging malicious prosecution.

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

18 (7) The period of limitations is 2 years for an action against
19 a sheriff charging misconduct or neglect of office by the sheriff
20 or the sheriff's deputies.

21 (8) The period of limitations is 2 years after the expiration
22 of the year for which a constable was elected for actions based on
23 the constable's negligence or misconduct as constable.

24 (9) The period of limitations is 1 year for an action charging
25 libel or slander.

26 (10) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE**
27 period of limitations is 3 years after the time of the death or

1 injury for all ~~other~~ actions to recover damages for the death of a
2 person, or for injury to a person or property.

3 (11) The period of limitations is 5 years for an action to
4 recover damages for injury to a person or property brought by a
5 person who has been assaulted or battered by his or her spouse or
6 former spouse, an individual with whom he or she has had a child in
7 common, or a person with whom he or she resides or formerly
8 resided. This limitation applies to causes of action arising on or
9 after February 17, 2000 and to causes of action in which the period
10 of limitations described in subsection (10) has not already expired
11 as of February 17, 2000.

12 (12) The period of limitations is 5 years for an action to
13 recover damages for injury to a person or property brought by a
14 person who has been assaulted or battered by an individual with
15 whom he or she has or has had a dating relationship. This
16 limitation applies to causes of action arising on or after January
17 1, 2003 and to causes of action in which the period of limitations
18 described in subsection (2) has not already expired as of January
19 1, 2003.

20 (13) The period of limitations is 3 years for a products
21 liability action. However, in the case of a product that has been
22 in use for not less than 10 years, the plaintiff, in proving a
23 prima facie case, shall be required to do so without benefit of any
24 presumption.

25 (14) THE PERIOD OF LIMITATIONS FOR A CAUSE OF ACTION BASED ON
26 DRUG PRODUCT LIABILITY THAT WAS BARRED BY SECTION 2946(5) AND THAT
27 OTHERWISE COULD HAVE BEEN COMMENCED ON OR AFTER JANUARY 2, 1996 AND

1 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT DELETED
2 SECTION 2946(5) IS 3 YEARS AFTER THE EFFECTIVE DATE OF THE
3 AMENDATORY ACT THAT DELETED SECTION 2946(5).

4 (15) ~~(14)~~—The period of limitations for an action against a
5 state licensed architect, professional engineer, land surveyor, or
6 contractor based on an improvement to real property shall be as
7 provided in section 5839.

8 (16) ~~(15)~~—As used in this section, "dating relationship" means
9 frequent, intimate associations primarily characterized by the
10 expectation of affectional involvement. Dating relationship does
11 not include a casual relationship or an ordinary fraternization
12 between 2 individuals in a business or social context.

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No.____ or House Bill No. 4044(request no.
15 00441'07) of the 94th Legislature is enacted into law.