

SENATE BILL No. 1058

September 16, 2014, Introduced by Senator BIEDA and referred to the Committee on Government Operations.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5805 (MCL 600.5805), as amended by 2012 PA 582.

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) 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

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.

4 (4) The period of limitations is 5 years for an action
5 charging assault and battery brought by a person who has been
6 assaulted or battered by an individual with whom he or she has or
7 has had a dating relationship.

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

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

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

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

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

20 (10) Except as otherwise provided in this section, the period
21 of limitations is 3 years after the time of the death or injury for
22 all actions to recover damages for the death of a person, or for
23 injury to a person or property.

24 (11) The period of limitations is 5 years for an action to
25 recover damages for injury to a person or property brought by a
26 person who has been assaulted or battered by his or her spouse or
27 former spouse, an individual with whom he or she has had a child in

1 common, or a person with whom he or she resides or formerly
2 resided.

3 (12) 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 an individual with
6 whom he or she has or has had a dating relationship.

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

12 (14) An action against a state licensed architect or
13 professional engineer or licensed professional surveyor arising
14 from professional services rendered is an action charging
15 malpractice subject to the period of limitation contained in
16 subsection (6).

17 **(15) THE PERIOD OF LIMITATIONS FOR A CAUSE OF ACTION BASED ON**
18 **DRUG PRODUCT LIABILITY THAT WAS BARRED BY SECTION 2946(5) AND THAT**
19 **OTHERWISE COULD HAVE BEEN COMMENCED AFTER JANUARY 1, 1996 AND**
20 **BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT DELETED**
21 **SECTION 2946(5) IS 3 YEARS AFTER THE EFFECTIVE DATE OF THE**
22 **AMENDATORY ACT THAT DELETED SECTION 2946(5).**

23 (16) ~~(15)~~—The periods of limitation under this section are
24 subject to any applicable period of repose established in section
25 5838a, 5838b, or 5839.

26 (17) ~~(16)~~—The amendments to this section made by 2011 PA 162
27 apply to causes of action that accrue on or after January 1, 2012.

1 **(18)** ~~(17)~~—As used in this section, "dating relationship" means
2 frequent, intimate associations primarily characterized by the
3 expectation of affectional involvement. Dating relationship does
4 not include a casual relationship or an ordinary fraternization
5 between 2 individuals in a business or social context.

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. 132 of the 97th Legislature is enacted into
8 law.