

HOUSE BILL NO. 5963

March 23, 2022, Introduced by Reps. Damoose, Brixie, Hood, Berman, Hope, Breen, Scott, Anthony, Morse, Cavanagh, Rabhi, Stone, Kuppa and Thanedar 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 2018 PA 183.

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.

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

5 (3) Subject to subsections (4) to (6), the period of
6 limitations is 2 years for an action charging assault, battery, or
7 false imprisonment.

8 (4) Subject to subsection (6), the period of limitations is 5
9 years for an action charging assault or battery brought by a person
10 who has been assaulted or battered by his or her spouse or former
11 spouse, an individual with whom he or she has had a child in
12 common, or a person with whom he or she resides or formerly
13 resided.

14 (5) Subject to subsection (6), the period of limitations is 5
15 years for an action charging assault and battery brought by a
16 person who has been assaulted or battered by an individual with
17 whom he or she has or has had a dating relationship.

18 (6) The period of limitations ~~is 10 years~~ for an action to
19 recover damages sustained because of criminal sexual conduct. ~~For~~
20 ~~purposes of this subsection, it is not necessary that a criminal~~
21 ~~prosecution or other proceeding have been brought as a result of~~
22 ~~the conduct or, if a criminal prosecution or other proceeding was~~
23 ~~brought, that the prosecution or proceeding resulted in a~~
24 ~~conviction or adjudication.~~ **is as provided in section 5851b.**

25 (7) The period of limitations is 2 years for an action
26 charging malicious prosecution.

27 (8) Except as otherwise provided in this chapter, the period
28 of limitations is 2 years for an action charging malpractice.

29 (9) The period of limitations is 2 years for an action against

1 a sheriff charging misconduct or neglect of office by the sheriff
2 or the sheriff's deputies.

3 (10) The period of limitations is 2 years after the expiration
4 of the year for which a constable was elected for actions based on
5 the constable's negligence or misconduct as constable.

6 (11) The period of limitations is 1 year for an action
7 charging libel or slander.

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

12 (13) 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 (8).

17 (14) The periods of limitation under this section are subject
18 to any applicable period of repose established in section 5838a,
19 5838b, or 5839.

20 (15) The amendments to this section made by 2011 PA 162 apply
21 to causes of action that accrue on or after January 1, 2012.

22 (16) As used in this section:

23 ~~(a) "Adjudication" means an adjudication of 1 or more offenses~~
24 ~~under chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL~~
25 ~~712A.1 to 712A.32.~~

26 ~~(a) (b) "Criminal sexual conduct" means conduct prohibited~~
27 ~~under section 520b, 520c, 520d, 520e, or 520g of the Michigan penal~~
28 ~~code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and~~
29 ~~750.520g.that term as defined in section 5851b.~~

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

6 Enacting section 1. This amendatory act does not take effect
7 unless all of the following bills of the 101st Legislature are
8 enacted into law:

9 (a) Senate Bill No. ____ or House Bill No. 5962 (request no.
10 00588'21).

11 (b) Senate Bill No. ____ or House Bill No. 5964 (request no.
12 00591'21).