

**REVISED JUDICATURE ACT OF 1961 (EXCERPT)**

**Act 236 of 1961**

CHAPTER 58

LIMITATION OF ACTIONS

**600.5801 Limitation on actions; time periods; defendant claiming title under deed, court-ordered sale, tax deed, or will; other cases.**

Sec. 5801. No person may bring or maintain any action for the recovery or possession of any lands or make any entry upon any lands unless, after the claim or right to make the entry first accrued to himself or to someone through whom he claims, he commences the action or makes the entry within the periods of time prescribed by this section.

(1) When the defendant claims title to the land in question by or through some deed made upon the sale of the premises by an executor, administrator, guardian, or testamentary trustee; or by a sheriff or other proper ministerial officer under the order, judgment, process, or decree of a court or legal tribunal of competent jurisdiction within this state, or by a sheriff upon a mortgage foreclosure sale the period of limitation is 5 years.

(2) When the defendant claims title under some deed made by an officer of this state or of the United States who is authorized to make deeds upon the sale of lands for taxes assessed and levied within this state the period of limitation is 10 years.

(3) When the defendant claims title through a devise in any will, the period of limitation is 15 years after the probate of the will in this state.

(4) In all other cases under this section, the period of limitation is 15 years.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5803 Foreclosure of mortgages.**

Sec. 5803. No person shall bring or maintain any action or proceeding to foreclose a mortgage on real estate unless he commences the action or proceeding within 15 years after the mortgage becomes due or within 15 years after the last payment was made on the mortgage. This section limits foreclosure by advertisement and any other entries under the mortgage as well as actions of foreclosure in the courts.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5805 Injuries to persons or property; period of limitations; "adjudication," "criminal sexual conduct," and "dating relationship" defined.**

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

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

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

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

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

(6) The period of limitations is 10 years for an action to recover damages sustained because of criminal sexual conduct. For purposes of this subsection, it is not necessary that a criminal prosecution or other proceeding have been brought as a result of the conduct or, if a criminal prosecution or other proceeding was brought, that the prosecution or proceeding resulted in a conviction or adjudication.

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

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

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

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

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

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

(13) An action against a state licensed architect or professional engineer or licensed professional surveyor arising from professional services rendered is an action charging malpractice subject to the period of limitation contained in subsection (8).

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

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

(16) As used in this section:

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

(b) "Criminal sexual conduct" means conduct prohibited under section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

(c) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

**History:** 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1978, Act 495, Eff. Dec. 13, 1978;—Am. 1986, Act 178, Eff. Oct. 1, 1986;—Am. 1988, Act 115, Imd. Eff. May 2, 1988;—Am. 2000, Act 2, Imd. Eff. Feb. 17, 2000;—Am. 2000, Act 3, Imd. Eff. Feb. 17, 2000;—Am. 2002, Act 715, Eff. Mar. 31, 2003;—Am. 2011, Act 162, Eff. Jan. 1, 2012;—Am. 2012, Act 582, Imd. Eff. Jan. 2, 2013;—Am. 2018, Act 183, Imd. Eff. June 12, 2018.

**Compiler's note:** Section 3 of Act 178 of 1986 provides:

"(1) Sections 2925b, 5805, 5838, and 5851 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to causes of action arising before October 1, 1986.

"(2) Sections 1483, 5838a, and 6304 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to causes of action arising on or after October 1, 1986.

"(3) Sections 1629, 1653, 2169, 2591, 2912c, 2912d, 2912e, 6098, 6301, 6303, 6305, 6306, 6307, 6309, and 6311 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after October 1, 1986.

"(4) Sections 1651 and 6013 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to cases filed before October 1, 1986.

"(5) Chapter 49 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after January 1, 1987.

"(6) Chapter 49a of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed in judicial circuits which are comprised of more than 1 county on or after July 1, 1990 and shall apply to cases filed in judicial circuits which are comprised of 1 county on or after October 1, 1988."

## **600.5807 Damages for breach of contract; specific performance; period of limitations; bond; deed; mortgage; surety bond; appeal bond; public obligations; other actions.**

Sec. 5807. (1) A person may not bring or maintain an action to recover damages or money due for breach of contract or to enforce the specific performance of a contract unless, after the claim first accrued to the person or to someone through whom the person claims, the person commences the action within the applicable period prescribed by this section.

(2) The period of limitations on an action charging a surety on a bond of a personal representative or guardian is 4 years after the discharge of the personal representative or guardian.

(3) Except as otherwise provided in this section or another statute of this state, the period of limitations is 10 years for an action founded on a bond of a public officer.

(4) The period of limitations on an action founded on a bond executed under sections 80 and 81 of 1846 RS 16, MCL 41.80 and 41.81, is 2 years after the expiration of the year for which the constable was elected.

(5) The period of limitations is 10 years for an action founded on a covenant in a deed or mortgage of real estate.

(6) Except as otherwise provided in another statute of this state, the period of limitations is 2 years for an action charging a surety for costs.

(7) The period of limitations is 2 years for an action brought on a bond or recognizance given on appeal from a court in this state.

(8) The period of limitations is 10 years for an action on a bond, note, or other like instrument that is the direct or indirect obligation of, or was issued by although not the obligation of, this state or a county, city,

village, township, school district, special assessment district, or other public or quasi-public corporation in this state.

(9) The period of limitations is 6 years for an action to recover damages or money due for breach of contract that is not described in subsections (2) to (8).

**History:** 1961, Act 236, Eff. Jan. 1, 1963;—Am. 2018, Act 15, Eff. May 7, 2018.

#### **600.5809 Action to enforce noncontractual money obligations; limitations.**

Sec. 5809. (1) A person shall not bring or maintain an action to enforce a noncontractual money obligation unless, after the claim first accrued to the person or to someone through whom he or she claims, the person commences the action within the applicable period of time prescribed by this section.

(2) The period of limitations is 2 years for an action for the recovery of a penalty or forfeiture based on a penal statute brought in the name of the people of this state.

(3) Except as provided in subsection (4), the period of limitations is 10 years for an action founded upon a judgment or decree rendered in a court of record of this state, or in a court of record of the United States or of another state of the United States, from the time of the rendition of the judgment or decree. The period of limitations is 6 years for an action founded upon a judgment or decree rendered in a court not of record of this state, or of another state, from the time of the rendition of the judgment or decree. A judgment entered in the district court of this state before May 25, 1973, is a judgment of a court not of record. A judgment entered in the district court of this state on or after May 25, 1973, except a judgment entered in the small claims division of the district court, is a judgment of a court of record. Within the applicable period of limitations prescribed by this subsection, an action may be brought upon the judgment or decree for a new judgment or decree. The new judgment or decree is subject to this subsection.

(4) For an action to enforce a support order that is enforceable under the support and parenting time enforcement act, Act No. 295 of the Public Acts of 1982, being sections 552.601 to 552.650 of the Michigan Compiled Laws, the period of limitations is 10 years from the date that the last support payment is due under the support order regardless of whether or not the last payment is made.

**History:** 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1974, Act 297, Eff. Apr. 1, 1975;—Am. 1976, Act 444, Imd. Eff. Jan. 13, 1977;—Am. 1996, Act 275, Eff. Jan. 1, 1997.

#### **600.5811 Common carriers; charges and overcharges; definitions.**

Sec. 5811. (1) All actions by common carriers for the recovery of all or any part of their charges arising out of the intrastate transportation of persons or property within the state of Michigan, and all actions against carriers for the recovery of overcharges collected by common carriers for the intrastate transportation of persons or property within the state of Michigan shall be begun within 2 years of the time the claim accrues and not afterwards.

(2) The term "charges" as used in this section means the charges applicable for transportation services under the tariffs lawfully on file with the Michigan public service commission; and the term "overcharge" as used in this section means charges for transportation services in excess of the tariffs lawfully on file with the Michigan public service commission.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

#### **600.5813 Other personal actions.**

Sec. 5813. All other personal actions shall be commenced within the period of 6 years after the claims accrue and not afterwards unless a different period is stated in the statutes.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

#### **600.5815 Scope of limitations; legal and equitable; laches.**

Sec. 5815. The prescribed period of limitations shall apply equally to all actions whether equitable or legal relief is sought. The equitable doctrine of laches shall also apply in actions where equitable relief is sought.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

#### **600.5821 Recovery of land or public ground; period of limitations; personal actions; maintenance, care, and treatment of persons in state institutions.**

Sec. 5821. (1) An action for the recovery of any land to which this state is a party is not subject to the periods of limitations, or laches. However, a person who could have asserted claim to title by adverse possession for more than 15 years is entitled to seek any other equitable relief in an action to determine title to the land.

(2) In an action involving the recovery or the possession of land, including a public highway, street, alley, easement, or other public ground, a municipal corporation, political subdivision of this state, or county road

commission is not subject to any of the following:

- (a) The periods of limitations under this act.
- (b) Laches.
- (c) A claim for adverse possession, acquiescence for the statutory period, or a prescriptive easement.

(3) The periods of limitations prescribed for personal actions apply equally to personal actions brought in the name of the people of this state, in the name of any officer of this state, or otherwise for the benefit of this state, subject to the exceptions contained in subsection (4).

(4) Actions brought in the name of this state, the people of this state, or any political subdivision of this state, or in the name of any officer or otherwise for the benefit of this state or a political subdivision of this state for the recovery of the cost of maintenance, care, and treatment of persons in hospitals, homes, schools, and other state institutions are not subject to the statute of limitations and may be brought at any time without limitation, notwithstanding any contrary provisions of a statute.

**History:** 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1988, Act 35, Eff. Mar. 1, 1988;—Am. 2016, Act 52, Eff. June 20, 2016.

#### **600.5823 Counterclaims.**

Sec. 5823. To the extent of the amount established as plaintiff's claim the periods of limitations prescribed in this chapter do not bar a claim made by way of counterclaim unless the counterclaim was barred at the time the plaintiff's claim accrued.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

#### **600.5825 Effect of limits running in favor of some joint obligors but not all.**

Sec. 5825. (1) In actions commenced against 2 or more joint obligors, or joint executors or administrators of any contractor, if it is shown that the plaintiff's action is barred by the period of limitations as to 1 or more of the defendants but that the plaintiff is entitled to recover against any of the other defendants because of a new acknowledgment, or promise, or for any other reason, then judgment shall be given in favor of the plaintiff against those defendants from whom he is otherwise entitled to recover and against the plaintiff as to those defendants in whose favor the period of limitations has run.

(2) If there are 2 or more joint obligors or joint executors or joint administrators of any obligor, no one of them shall lose the benefit of the provisions of this chapter so as to be chargeable because of any acknowledgment or promise made or signed by any of the others.

(3) If there are 2 or more joint obligors, or joint executors or joint administrators of any obligor, no one of them shall lose the benefit of the provisions of this chapter so as to be chargeable merely because of any payment made by any of the others.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

#### **600.5827 Accrual of claim.**

Sec. 5827. Except as otherwise expressly provided, the period of limitations runs from the time the claim accrues. The claim accrues at the time provided in sections 5829 to 5838, and in cases not covered by these sections the claim accrues at the time the wrong upon which the claim is based was done regardless of the time when damage results.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

#### **600.5829 Accrual of claim; right of entry or recovery of possession of land.**

Sec. 5829. The right to make an entry on, and the claim to recover land accrue:

(1) Whenever any person is disseised, his right of entry on and claim to recover land accrue at the time of his disseisin;

(2) When he claims as heir or devisee of one who died seised, his claim accrues at the time of the death, unless there is another estate intervening after the death of the ancestor or devisor in which case his claim accrues when the intermediate estate expires or would have expired by its own limitation;

(3) When there is an intermediate estate, and in all other cases where the party claims by force of any remainder or reversion, his claim accrues when the intermediate or precedent estate would have expired by its own limitation, notwithstanding any forfeiture of the intermediate or precedent estate for which he might have entered at an earlier time.

(4) The provision of (3), does not prevent any person from entering when he is entitled to do so by any forfeiture or breach of condition, but if he claims under either of them his claim accrues when the forfeiture is incurred or the condition broken.

(5) In all cases not otherwise provided for, the claim accrues when the claimant or the person under whom he claims first becomes entitled to the possession of the premises under the title upon which the entry or

action is founded.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5831 Accrual of claim; mutual and open account current.**

Sec. 5831. In actions brought to recover the balance due upon a mutual and open account current, the claim accrues at the time of the last item proved in the account.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5833 Accrual of claim; breach of warranty of quality or fitness.**

Sec. 5833. In actions for damages based on breach of a warranty of quality or fitness the claim accrues at the time the breach of the warranty is discovered or reasonably should be discovered.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5834 Accrual of claim; common carriers; charges; overcharges.**

Sec. 5834. In actions brought by common carriers to recover for charges arising out of intrastate transportation and in actions brought against common carriers to recover for overcharges arising out of intrastate transportation the claim in respect to each shipment of property accrues upon the delivery or tender of the shipment of property and not afterwards.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5835 Accrual of claim; life insurance; presumption of death.**

Sec. 5835. In actions on life insurance contracts where the claim is based on the 7-year presumption of death, the claim accrues at the end of the 7 years, for the purpose of computing the running of the period of limitations.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5836 Accrual of claim; installment contracts.**

Sec. 5836. The claims on an installment contract accrue as each installment falls due.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5837 Accrual of claim; alimony.**

Sec. 5837. The claims for alimony payments accrue as each payment falls due.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5838 Claim based on malpractice; accrual; commencement of action; burden of proof; limitations.**

Sec. 5838. (1) Except as otherwise provided in section 5838a or 5838b, a claim based on the malpractice of a person who is, or holds himself or herself out to be, a member of a state licensed profession accrues at the time that person discontinues serving the plaintiff in a professional or pseudoprofessional capacity as to the matters out of which the claim for malpractice arose, regardless of the time the plaintiff discovers or otherwise has knowledge of the claim.

(2) Except as otherwise provided in section 5838a or 5838b, an action involving a claim based on malpractice may be commenced at any time within the applicable period prescribed in sections 5805 or 5851 to 5856, or within 6 months after the plaintiff discovers or should have discovered the existence of the claim, whichever is later. The plaintiff has the burden of proving that the plaintiff neither discovered nor should have discovered the existence of the claim at least 6 months before the expiration of the period otherwise applicable to the claim. A malpractice action that is not commenced within the time prescribed by this subsection is barred.

**History:** 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1975, Act 142, Imd. Eff. July 9, 1975;—Am. 1986, Act 178, Eff. Oct. 1, 1986;—Am. 2012, Act 582, Imd. Eff. Jan. 2, 2013.

**Compiler's note:** Section 3 of Act 178 of 1986 provides:

“(1) Sections 2925b, 5805, 5838, and 5851 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to causes of action arising before October 1, 1986.

“(2) Sections 1483, 5838a, and 6304 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to causes of action arising on or after October 1, 1986.

“(3) Sections 1629, 1653, 2169, 2591, 2912c, 2912d, 2912e, 6098, 6301, 6303, 6305, 6306, 6307, 6309, and 6311 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after October 1, 1986.

“(4) Sections 1651 and 6013 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to cases filed before October 1, 1986.

“(5) Chapter 49 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after January 1, 1987.

“(6) Chapter 49a of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed in judicial circuits which are comprised of more than 1 county on or after July 1, 1990 and shall apply to cases filed in judicial circuits which are comprised of 1 county on or after October 1, 1988.”

**600.5838a Claim based on medical malpractice; accrual; definitions; commencement of action; burden of proof; applicability of subsection (2); limitations.**

Sec. 5838a. (1) For purposes of this act, a claim based on the medical malpractice of a person or entity who is or who holds himself or herself out to be a licensed health care professional, licensed health facility or agency, or an employee or agent of a licensed health facility or agency who is engaging in or otherwise assisting in medical care and treatment, whether or not the licensed health care professional, licensed health facility or agency, or their employee or agent is engaged in the practice of the health profession in a sole proprietorship, partnership, professional corporation, or other business entity, accrues at the time of the act or omission that is the basis for the claim of medical malpractice, regardless of the time the plaintiff discovers or otherwise has knowledge of the claim. As used in this subsection:

(a) "Licensed health facility or agency" means a health facility or agency licensed under article 17 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.20101 to 333.22260 of the Michigan Compiled Laws.

(b) "Licensed health care professional" means an individual licensed or registered under article 15 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.16101 to 333.18838 of the Michigan Compiled Laws, and engaged in the practice of his or her health profession in a sole proprietorship, partnership, professional corporation, or other business entity. However, licensed health care professional does not include a sanitarian or a veterinarian.

(2) Except as otherwise provided in this subsection, an action involving a claim based on medical malpractice may be commenced at any time within the applicable period prescribed in section 5805 or sections 5851 to 5856, or within 6 months after the plaintiff discovers or should have discovered the existence of the claim, whichever is later. However, except as otherwise provided in section 5851(7) or (8), the claim shall not be commenced later than 6 years after the date of the act or omission that is the basis for the claim. The burden of proving that the plaintiff, as a result of physical discomfort, appearance, condition, or otherwise, neither discovered nor should have discovered the existence of the claim at least 6 months before the expiration of the period otherwise applicable to the claim is on the plaintiff. A medical malpractice action that is not commenced within the time prescribed by this subsection is barred. This subsection does not apply, and the plaintiff is subject to the period of limitations set forth in subsection (3), under 1 of the following circumstances:

(a) If discovery of the existence of the claim was prevented by the fraudulent conduct of the health care professional against whom the claim is made or a named employee or agent of the health professional against whom the claim is made, or of the health facility against whom the claim is made or a named employee or agent of a health facility against whom the claim is made.

(b) There has been permanent loss of or damage to a reproductive organ resulting in the inability to procreate.

(3) An action involving a claim based on medical malpractice under circumstances described in subsection (2)(a) or (b) may be commenced at any time within the applicable period prescribed in section 5805 or sections 5851 to 5856, or within 6 months after the plaintiff discovers or should have discovered the existence of the claim, whichever is later. The burden of proving that the plaintiff, as a result of physical discomfort, appearance, condition or otherwise, neither discovered nor should have discovered the existence of the claim at least 6 months before the expiration of the period otherwise applicable to the claim is on the plaintiff. A medical malpractice action that is not commenced within the time prescribed by this subsection is barred.

**History:** Add. 1986, Act 178, Eff. Oct. 1, 1986;—Am. 1993, Act 78, Eff. Apr. 1, 1994.

**Compiler's note:** Section 3 of Act 178 of 1986 provides:

“(1) Sections 2925b, 5805, 5838, and 5851 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to causes of action arising before October 1, 1986.

“(2) Sections 1483, 5838a, and 6304 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to causes of action arising on or after October 1, 1986.

“(3) Sections 1629, 1653, 2169, 2591, 2912c, 2912d, 2912e, 6098, 6301, 6303, 6305, 6306, 6307, 6309, and 6311 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after October 1, 1986.

“(4) Sections 1651 and 6013 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to cases filed before October 1, 1986.

“(5) Chapter 49 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after January 1, 1987.

“(6) Chapter 49a of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed in judicial circuits which are comprised of more than 1 county on or after July 1, 1990 and shall apply to cases filed in judicial circuits which are comprised of 1 county on or after October 1, 1988.”

**600.5838b Action for legal malpractice; commencement; limitation; definitions.**

Sec. 5838b. (1) An action for legal malpractice against an attorney-at-law or a law firm shall not be commenced after whichever of the following is earlier:

- (a) The expiration of the applicable period of limitations under this chapter.
- (b) Six years after the date of the act or omission that is the basis for the claim.

(2) A legal malpractice action that is not commenced within the time prescribed by subsection (1) is barred.

(3) As used in this section:

- (a) "Attorney-at-law" means an individual licensed to practice law in this state or elsewhere.
- (b) "Law firm" means a person that is primarily engaged in the practice of law, regardless of whether organized as a sole proprietorship, partnership, limited liability partnership, professional limited liability company, professional corporation, or other business entity. Law firm includes a legal services organization.

**History:** Add. 2012, Act 582, Imd. Eff. Jan. 2, 2013.

**600.5839 Period of limitations on actions against licensed architect, professional engineer, contractor, or licensed professional surveyor; definitions; applicability.**

Sec. 5839. (1) A person shall not maintain an action to recover damages for injury to property, real or personal, or for bodily injury or wrongful death, arising out of the defective or unsafe condition of an improvement to real property, or an action for contribution or indemnity for damages sustained as a result of such injury, against any state licensed architect or professional engineer performing or furnishing the design or supervision of construction of the improvement, or against any contractor making the improvement, unless the action is commenced within either of the following periods:

(a) Six years after the time of occupancy of the completed improvement, use, or acceptance of the improvement.

(b) If the defect constitutes the proximate cause of the injury or damage for which the action is brought and is the result of gross negligence on the part of the contractor or licensed architect or professional engineer, 1 year after the defect is discovered or should have been discovered. However, an action to which this subdivision applies shall not be maintained more than 10 years after the time of occupancy of the completed improvement, use, or acceptance of the improvement.

(2) A person shall not maintain an action to recover damages based on error or negligence of a licensed professional surveyor in the preparation of a survey or report more than 6 years after the survey or report is recorded or is delivered to the person for whom it was made or the person's agent.

(3) As used in this section:

(a) "Contractor" means an individual, corporation, partnership, or other business entity that makes an improvement to real property.

(b) "State licensed architect or professional engineer" or "licensed professional surveyor" means an individual so licensed, or a corporation, partnership, or other business entity on behalf of whom the state licensed architect or professional engineer or licensed professional surveyor is performing or directing the performance of the architectural, professional engineering, or land surveying service.

(4) The amendments to this section made by the 2011 amendatory act that added this subsection apply to causes of action that accrue on or after the effective date of that amendatory act.

**History:** Add. 1967, Act 203, Eff. Nov. 2, 1967;—Am. 1985, Act 188, Eff. Mar. 31, 1986;—Am. 2011, Act 162, Eff. Jan. 1, 2012.

**Constitutionality:** In *O'Brien v Hazelet & Erdal*, 410 Mich 1; 299 NW2d 336 (1980), the Michigan supreme court held that this statute does not violate constitutional precepts of due process and equal protection.

**600.5841 Accrual of claim; to person other than person bringing action.**

Sec. 5841. If the claim first accrues to an ancestor, predecessor, or grantor of the person who brings the action or makes the entry, or to any other person from or under whom he claims, the periods of limitations shall be computed from the time when the claim first accrued to the ancestor, predecessor, grantor, or other person, except as otherwise provided by law.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5843 Accrual of claim; regaining possession of land; subsequent loss; effect.**

Sec. 5843. If the person who has a right to make an entry on land or a claim for the possession of land regains possession of it before the period of limitations has run and then loses possession of the premises again, the subsequent loss shall be deemed to give rise to a new claim which has its own period of limitations.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5851 Disabilities of infancy or insanity; tacking of successive disabilities prohibited; year of grace; removing disability of infancy; claim alleging medical malpractice accruing to person 8 years old or less or 13 years old or less; disability of imprisonment; "release from imprisonment" defined.**

Sec. 5851. (1) Except as otherwise provided in subsections (7) and (8), if the person first entitled to make an entry or bring an action under this act is under 18 years of age or insane at the time the claim accrues, the person or those claiming under the person shall have 1 year after the disability is removed through death or otherwise, to make the entry or bring the action although the period of limitations has run. This section does not lessen the time provided for in section 5852.

(2) The term insane as employed in this chapter means a condition of mental derangement such as to prevent the sufferer from comprehending rights he or she is otherwise bound to know and is not dependent on whether or not the person has been judicially declared to be insane.

(3) To be considered a disability, the infancy or insanity must exist at the time the claim accrues. If the disability comes into existence after the claim has accrued, a court shall not recognize the disability under this section for the purpose of modifying the period of limitations.

(4) A person shall not tack successive disabilities. A court shall recognize only those disabilities that exist at the time the claim first accrues and that disable the person to whom the claim first accrues for the purpose of modifying the period of limitations.

(5) A court shall recognize both of the disabilities of infancy or insanity that disable the person to whom the claim first accrues at the time the claim first accrues. A court shall count the year of grace provided in this section from the termination of the last disability to the person to whom the claim originally accrued that has continued from the time the claim accrued, whether this disability terminates because of the death of the person disabled or for some other reason.

(6) With respect to a claim accruing before the effective date of the age of majority act of 1971, Act No. 79 of the Public Acts of 1971, being sections 722.51 to 722.55 of the Michigan Compiled Laws, the disability of infancy is removed as of the effective date of Act No. 79 of the Public Acts of 1971, as to persons who were at least 18 years of age but less than 21 years of age on January 1, 1972, and is removed as of the eighteenth birthday of a person who was under 18 years of age on January 1, 1972.

(7) Except as otherwise provided in subsection (8), if, at the time a claim alleging medical malpractice accrues to a person under section 5838a the person has not reached his or her eighth birthday, a person shall not bring an action based on the claim unless the action is commenced on or before the person's tenth birthday or within the period of limitations set forth in section 5838a, whichever is later. If, at the time a claim alleging medical malpractice accrues to a person under section 5838a, the person has reached his or her eighth birthday, he or she is subject to the period of limitations set forth in section 5838a.

(8) If, at the time a claim alleging medical malpractice accrues to a person under section 5838a, the person has not reached his or her thirteenth birthday and if the claim involves an injury to the person's reproductive system, a person shall not bring an action based on the claim unless the action is commenced on or before the person's fifteenth birthday or within the period of limitations set forth in section 5838a, whichever is later. If, at the time a claim alleging medical malpractice accrues to a person under section 5838a, the person has reached his or her thirteenth birthday and the claim involves an injury to the person's reproductive system, he or she is subject to the period of limitations set forth in section 5838a.

(9) If a person was serving a term of imprisonment on the effective date of the 1993 amendatory act that added this subsection, and that person has a cause of action to which the disability of imprisonment would have been applicable under the former provisions of this section, an entry may be made or an action may be brought under this act for that cause of action within 1 year after the effective date of the 1993 amendatory act that added this subsection, or within any other applicable period of limitation provided by law.

(10) If a person died or was released from imprisonment at any time within the period of 1 year preceding the effective date of the 1993 amendatory act that added this subsection, and that person had a cause of action to which the disability of imprisonment would have been applicable under the former provisions of this section on the date of his or her death or release from imprisonment, an entry may be made or an action may be brought under this act for that cause of action within 1 year after the date of his or her death or release from imprisonment, or within any other applicable period of limitation provided by law.

(11) As used in this section, "release from imprisonment" means either of the following:

(a) A final release or discharge from imprisonment in a county jail.

(b) Release on parole or a final release or discharge from imprisonment in a state or federal correctional facility.

**History:** 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1972, Act 87, Imd. Eff. Mar. 20, 1972;—Am. 1986, Act 178, Eff. Oct. 1, 1986;—Am. 1993, Act 78, Eff. Apr. 1, 1994;—Am. 1993, Act 283, Eff. Apr. 1, 1994.

**Compiler's note:** Section 3 of Act 178 of 1986 provides:

"(1) Sections 2925b, 5805, 5838, and 5851 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to causes of action arising before October 1, 1986.

"(2) Sections 1483, 5838a, and 6304 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to causes of action arising on or after October 1, 1986.

"(3) Sections 1629, 1653, 2169, 2591, 2912c, 2912d, 2912e, 6098, 6301, 6303, 6305, 6306, 6307, 6309, and 6311 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after October 1, 1986.

"(4) Sections 1651 and 6013 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to cases filed before October 1, 1986.

"(5) Chapter 49 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after January 1, 1987.

"(6) Chapter 49a of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed in judicial circuits which are comprised of more than 1 county on or after July 1, 1990 and shall apply to cases filed in judicial circuits which are comprised of 1 county on or after October 1, 1988."

#### **600.5851a Court action by minor victim of female genital mutilation; recovery of damages; limitation; "female genital mutilation" defined.**

Sec. 5851a. (1) Notwithstanding section 5851, an individual who, while a minor, is the victim of female genital mutilation may commence an action under section 2978 or as otherwise allowed by law to recover damages sustained because of the female genital mutilation at any time before the individual reaches the age of 28 years.

(2) As used in this section, "female genital mutilation" means conduct that is a violation of section 136 of the Michigan penal code, 1931 PA 328, MCL 750.136, or, if it were to occur in this state, would be a violation of section 136 of the Michigan penal code, 1931 PA 328, MCL 750.136.

**History:** Add. 2017, Act 76, Eff. Oct. 9, 2017.

#### **600.5851b Court action by minor victim of criminal sexual conduct; exception to period of limitations; right to bring action under MCL 600.5851; "adjudication" and "criminal sexual conduct" defined.**

Sec. 5851b. (1) Notwithstanding sections 5805 and 5851, an individual who, while a minor, is the victim of criminal sexual conduct may commence an action to recover damages sustained because of the criminal sexual conduct at any time before whichever of the following is later:

(a) The individual reaches the age of 28 years.

(b) Three years after the date the individual discovers, or through the exercise of reasonable diligence should have discovered, both the individual's injury and the causal relationship between the injury and the criminal sexual conduct.

(2) For purposes of subsection (1), it is not necessary that a criminal prosecution or other proceeding have been brought as a result of the conduct or, if a criminal prosecution or other proceeding was brought, that the prosecution or proceeding resulted in a conviction or adjudication.

(3) Regardless of any period of limitation under subsection (1) or sections 5805 or 5851, an individual who, while a minor, was the victim of criminal sexual conduct after December 31, 1996 but before 2 years before the effective date of the amendatory act that added this section may commence an action to recover damages sustained because of the criminal sexual conduct within 90 days after the effective date of the amendatory act that added this section if the person alleged to have committed the criminal sexual conduct was convicted of criminal sexual conduct against any person under section 520b of the Michigan penal code, 1931 PA 328, MCL 750.520b, and the defendant admitted either of the following:

(a) That the defendant was in a position of authority over the victim as the victim's physician and used that authority to coerce the victim to submit.

(b) That the defendant engaged in purported medical treatment or examination of the victim in a manner that is, or for purposes that are, medically recognized as unethical or unacceptable.

(4) This section does not limit an individual's right to bring an action under section 5851.

(5) As used in this section:

(a) "Adjudication" means that term as defined in section 5805.

(b) "Criminal sexual conduct" means that term as defined in section 5805.

**History:** Add. 2018, Act 183, Imd. Eff. June 12, 2018.

#### **600.5852 Death before period of limitations has run or within 30 days thereafter; commencement of action; death or legal incapacitation of personal representative; limitation on commencement of action.**

Sec. 5852. (1) If a person dies before the period of limitations has run or within 30 days after the period of limitations has run, an action that survives by law may be commenced by the personal representative of the deceased person at any time within 2 years after letters of authority are issued although the period of limitations has run.

(2) If the action that survives by law is an action alleging medical malpractice, the 2-year period under subsection (1) runs from the date letters of authority are issued to the first personal representative of an estate. Except as provided in subsection (3), the issuance of subsequent letters of authority does not enlarge the time within which the action may be commenced.

(3) If a personal representative dies or is adjudged by a court to be legally incapacitated within 2 years after his or her letters are issued, the successor personal representative may commence an action alleging medical malpractice that survives by law within 1 year after the personal representative died or was adjudged by a court to be legally incapacitated.

(4) Notwithstanding subsections (1) to (3), an action shall not be commenced under this section later than 3 years after the period of limitations has run.

**History:** 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1988, Act 221, Eff. Jan. 1, 1989;—Am. 2012, Act 609, Eff. Mar. 28, 2013.

**Compiler's note:** Enacting section 1 of Act 609 of 2012 provides:

"Enacting section 1. Sections 2912e, 5852, and 6013 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2912e, 600.5852, and 600.6013, as amended by this amendatory act apply only to actions in which the cause of action arose on or after the effective date of this amendatory act."

### **600.5853 Absence from state.**

Sec. 5853. If any person is outside of this state at the time any claim accrues against him the period of limitation shall only begin to run when he enters this state unless a means of service of process sufficient to vest the jurisdiction of a Michigan court over him was available to the plaintiff. If after any claim accrues the person against whom the claim accrued is absent from this state, any and all periods of absence in excess of 2 months at a time shall not be counted as any part of the time limited for the commencement of the action unless while he was outside of this state a means for service of process sufficient to vest the jurisdiction of a Michigan court over him was available to the plaintiff.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

### **600.5854 War; inability to prosecute; period of limitation.**

Sec. 5854. If any person is unable to prosecute an action in the courts of this state because he is a citizen or subject of any country at war with the United States or because he is detained in any country at war with the United States or because he is detained by any neutral power or because for any other reason arising out of the war he is unable to use the courts of this state, the time of the continuance of the war shall not be counted as a part of the period limited for the commencement of any action.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

### **600.5855 Fraudulent concealment of claim or identity of person liable; discovery.**

Sec. 5855. If a person who is or may be liable for any claim fraudulently conceals the existence of the claim or the identity of any person who is liable for the claim from the knowledge of the person entitled to sue on the claim, the action may be commenced at any time within 2 years after the person who is entitled to bring the action discovers, or should have discovered, the existence of the claim or the identity of the person who is liable for the claim, although the action would otherwise be barred by the period of limitations.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

### **600.5856 Tolling of statute of limitations or repose.**

Sec. 5856. The statutes of limitations or repose are tolled in any of the following circumstances:

(a) At the time the complaint is filed, if a copy of the summons and complaint are served on the defendant within the time set forth in the supreme court rules.

(b) At the time jurisdiction over the defendant is otherwise acquired.

(c) At the time notice is given in compliance with the applicable notice period under section 2912b, if during that period a claim would be barred by the statute of limitations or repose; but in this case, the statute is tolled not longer than the number of days equal to the number of days remaining in the applicable notice period after the date notice is given.

**History:** 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1993, Act 78, Eff. Apr. 1, 1994;—Am. 2004, Act 87, Imd. Eff. Apr. 22, 2004.

**Compiler's note:** Enacting section 1 of Act 87 of 2004 provides:

"Enacting section 1. (1) Except as provided in subsection (2), this amendatory act applies to civil actions filed on or after the effective date of this amendatory act."

“(2) This amendatory act does not apply to a cause of action if the statute of limitations or repose for that cause of action has expired before the effective date of this amendatory act.”

**600.5861 Cause of action accruing without state; limitation on commencement of action.**

Sec. 5861. An action based upon a cause of action accruing without this state shall not be commenced after the expiration of the statute of limitations of either this state or the place without this state where the cause of action accrued, except that where the cause of action accrued in favor of a resident of this state the statute of limitations of this state shall apply. This amendatory act shall be effective as to all actions hereinafter commenced and all actions heretofor commenced now pending in the trial or appellate courts.

**History:** 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1978, Act 542, Imd. Eff. Dec. 22, 1978.

**600.5865 Endorsement or memorandum of payment; evidence.**

Sec. 5865. No endorsement or memorandum of any payment, written or placed upon any promissory note, bill of exchange, or other writing, by or on behalf of the party to whom the payment was made or was purported to have been made, shall be allowed as evidence of the payment for the purpose of barring the running of the period of limitations. This section merely limits the evidence which may be allowed to be given for the purpose of showing part payment which would bar the running of the period of limitations, and is not to be deemed to have any control over the effect of part payment which is proved by other evidence.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5866 Revival of barred claim; written acknowledgment of obligor.**

Sec. 5866. Express or implied contracts which have been barred by the running of the period of limitation shall be revived by the acknowledgment or promise of the party to be charged. But no acknowledgment or promise shall be recognized as effective to bar the running of the period of limitations or revive the claim unless the acknowledgment is made by or the promise is contained in some writing signed by the party to be charged by the action.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5867 Presumption as to possession of land; exception.**

Sec. 5867. In every action for the recovery or possession of real estate, the person establishing the legal title to the premises is presumed to have been in possession of the premises within the time limited by law for bringing such action, unless it appears that the same has been possessed adversely to such legal title by the defendant or by those from or under whom he claims, or that the grantee, or his assigns, in a contract of purchase have been in possession claiming title by virtue of said contract of purchase for a period of 20 years after the last payment was due on said contract or after the last payment was made on said contract of purchase.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5868 Entry and possession.**

Sec. 5868. No person shall be deemed to have been in possession of any lands, within the meaning of this chapter merely by reason of having made an entry thereon, unless he continues in open and peaceable possession of the premises for at least 1 year next after such entry, or unless an action is commenced upon such entry and seisin, within 1 year after he is ousted or dispossessed of the premises.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.

**600.5869 Rights governed by law under which right accrued.**

Sec. 5869. All actions and rights shall be governed and determined according to the law under which the right accrued, in respect to the limitations of such actions or right of entry.

**History:** 1961, Act 236, Eff. Jan. 1, 1963.