

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

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 XIA 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.

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“(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.”