

SENATE BILL No. 1034

February 7, 2006, Introduced by Senators BASHAM, JACOBS, CLARKE, CLARK-COLEMAN and SCOTT and referred to the Committee on Judiciary.

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending section 801 (MCL 37.2801).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 801. (1) A person alleging a violation of this act may
2 bring a civil action for appropriate injunctive relief or damages,
3 or both.

4 (2) An action commenced ~~pursuant to~~ **UNDER** subsection (1) may
5 be brought in the circuit court for the county where the alleged
6 violation occurred, or for the county where the person against whom
7 the civil complaint is filed resides or has his principal place of
8 business.

9 (3) As used in subsection (1), "damages" means damages for

1 injury or loss caused by each violation of this act, including
2 reasonable ~~attorney's~~ **ATTORNEY** fees.

3 **(4) THAT PORTION OF ANY AGREEMENT THAT PURPORTS TO LIMIT THE**
4 **PERIOD PROVIDED BY LAW FOR BRINGING AN ACTION FOR A VIOLATION OF**
5 **ARTICLE 2 IS VOID AND UNENFORCEABLE.**

6 Enacting section 1. Subsection (4) of section 801 of the
7 Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2801, as added
8 by this amendatory act, is curative and intended to correct any
9 misinterpretation of legislative intent in the Michigan court of
10 appeals decision Clark v DaimlerChrysler Corp, Inc, docket no.
11 252765. This legislation further expresses the original intent of
12 the legislature that any limitation on the time established by law
13 to bring an action for a violation of civil rights protected under
14 article 2 is contrary to public policy.