

HOUSE BILL No. 4317

February 17, 2009, Introduced by Reps. Kennedy, Switalski, Donigan, Tlaib, Lisa Brown, Simpson, Scripps, Miller, Young, Mayes, Sheltroun, Haugh, Lipton, Haase, Roberts, Durhal, Byrum, Slavens, Barnett and Dean 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 2002 PA 715.

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) ~~The~~ **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

1 charging assault or battery brought by a person who has been
2 assaulted or battered by his or her spouse or former spouse, an
3 individual with whom he or she has had a child in common, or a
4 person with whom he or she resides or formerly resided. This
5 limitation applies to causes of action arising on or after February
6 17, 2000 and to causes of action in which the period of limitations
7 described in subsection (2) has not already expired as of February
8 17, 2000.

9 (4) The period of limitations is 5 years for an action
10 charging assault and battery brought by a person who has been
11 assaulted or battered by an individual with whom he or she has or
12 has had a dating relationship. This limitation applies to causes of
13 action arising on or after January 1, 2003 and to causes of action
14 in which the period of limitations described in subsection (2) has
15 not already expired as of January 1, 2003.

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

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

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

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

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

1 (10) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE**
2 period of limitations is 3 years after the time of the death or
3 injury for all ~~other~~ actions to recover damages for the death of a
4 person, or for injury to a person or property.

5 (11) The period of limitations is 5 years for an action to
6 recover damages for injury to a person or property brought by a
7 person who has been assaulted or battered by his or her spouse or
8 former spouse, an individual with whom he or she has had a child in
9 common, or a person with whom he or she resides or formerly
10 resided. This limitation applies to causes of action arising on or
11 after February 17, 2000 and to causes of action in which the period
12 of limitations described in subsection (10) has not already expired
13 as of February 17, 2000.

14 (12) The period of limitations is 5 years for an action to
15 recover damages for injury to a person or property 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. This
18 limitation applies to causes of action arising on or after January
19 1, 2003 and to causes of action in which the period of limitations
20 described in subsection (2) has not already expired as of January
21 1, 2003.

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

27 **(14) THE PERIOD OF LIMITATIONS FOR A CAUSE OF ACTION BASED ON**

1 DRUG PRODUCT LIABILITY THAT WAS BARRED BY SECTION 2946(5) AND THAT
2 OTHERWISE COULD HAVE BEEN COMMENCED ON OR AFTER JANUARY 2, 1996 AND
3 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT DELETED
4 SECTION 2946(5) IS 3 YEARS AFTER THE EFFECTIVE DATE OF THE
5 AMENDATORY ACT THAT DELETED SECTION 2946(5).

6 (15) ~~(14)~~—The period of limitations for an action against a
7 state licensed architect, professional engineer, land surveyor, or
8 contractor based on an improvement to real property shall be as
9 provided in section 5839.

10 (16) ~~(15)~~—As used in this section, "dating relationship" means
11 frequent, intimate associations primarily characterized by the
12 expectation of affectional involvement. Dating relationship does
13 not include a casual relationship or an ordinary fraternization
14 between 2 individuals in a business or social context.

15 Enacting section 1. This amendatory act does not take effect
16 unless Senate Bill No. _____ or House Bill No. 4316(request no.
17 00798'09) of the 95th Legislature is enacted into law.