

# SENATE BILL No. 990

(As amended March 31, 2004)

February 12, 2004, Introduced by Senators BISHOP, PATTERSON and CROPSEY and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5856 (MCL 600.5856), as amended by 1993 PA 78.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

3       (a) At the time the complaint is filed, ~~and~~ if a copy of  
4 the summons and complaint are served on the defendant **within the**  
5 **time set forth in the [supreme] court rules.**

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

8       ~~(c) At the time the complaint is filed and a copy of the~~  
9 ~~summons and complaint in good faith are placed in the hands of an~~  
10 ~~officer for immediate service, but in this case the statute is~~

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1 ~~not tolled longer than 90 days after the copy of the summons and~~  
2 ~~complaint is received by the officer.~~

3       (c) ~~(d) If, during~~ **At the time notice is given in**  
4 **compliance with** the applicable notice period under section 2912b,  
5 **if during that period** a claim would be barred by the statute of  
6 limitations or repose; ~~—, for~~ **but in this case, the statute is**  
7 **tolled** not longer than ~~a~~ **the** number of days equal to the number  
8 of days **remaining** in the applicable notice period after the date  
9 notice is given. ~~in compliance with section 2912b.~~

[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.]