

HOUSE BILL No. 5422

January 22, 2004, Introduced by Reps. Hunter, Condino, Vagnozzi, Tobocman, Dennis, Clack, Phillips, Accavitti, Wojno, Cheeks, Kolb, Lipsey, Meisner, Farrah, Elkins, McConico and Waters and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2974.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2974. (1) A person who knowingly rents, leases, or
2 sells improved real property that contains lead-based paint,
3 toxic mold, or asbestos without disclosing its presence is liable
4 in a civil action for damages and costs and fees as further
5 described in this section.

6 (2) The court shall award 3 times the amount of damages
7 sustained by the plaintiff as well as costs and fees associated
8 with an action brought under subsection (1) to a prevailing
9 plaintiff.

10 (3) As used in this section, "costs and fees" means the
11 normal costs incurred in being a party in a civil action after an

1 action has been filed with the court, those provided by law or
2 court rule, and the following:

3 (a) The reasonable and necessary expenses of expert witnesses
4 as determined by the court.

5 (b) The reasonable cost of any study, analysis, engineering
6 report, test, or project that is determined by the court to have
7 been necessary for the preparation of the party's case.

8 (c) Reasonable attorney fees.