

HOUSE BILL No. 4620

May 17, 2017, Introduced by Reps. Kesto, Graves, McCready, Hornberger, Marino, Tedder, Johnson, Glenn, Miller, Leutheuser and Bellino and referred to the Committee on Law and Justice.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5805 (MCL 600.5805), as amended by 2012 PA 582.

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) 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
10 charging assault or battery brought by a person who has been
11 assaulted or battered by his or her spouse or former spouse, an

1 individual with whom he or she has had a child in common, or a
2 person with whom he or she resides or formerly resided.

3 (4) The period of limitations is 5 years for an action
4 charging assault and battery brought by a person who has been
5 assaulted or battered by an individual with whom he or she has or
6 has had a dating relationship.

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

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

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

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

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

19 (10) Except as otherwise provided in this section, the period
20 of limitations is 3 years after the time of the death or injury for
21 all actions to recover damages for the death of a person, or for
22 injury to a person or property, **EXCEPT THAT THERE IS NO LIMITATIONS**
23 **PERIOD FOR INJURIES THAT OCCURRED AS A RESULT OF AN ABORTION. THIS**
24 **EXCEPTION APPLIES TO CAUSES OF ACTION THAT ACCRUE ON OR AFTER THE**
25 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS EXCEPTION.**

26 (11) The period of limitations is 5 years for an action to
27 recover damages for injury to a person or property brought by a

1 person who has been assaulted or battered by his or her spouse or
2 former spouse, an individual with whom he or she has had a child in
3 common, or a person with whom he or she resides or formerly
4 resided.

5 (12) 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 an individual with
8 whom he or she has or has had a dating relationship.

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

14 (14) An action against a state licensed architect or
15 professional engineer or licensed professional surveyor arising
16 from professional services rendered is an action charging
17 malpractice subject to the period of limitation contained in
18 subsection (6).

19 (15) The periods of limitation under this section are subject
20 to any applicable period of repose established in section 5838a,
21 5838b, or 5839.

22 (16) The amendments to this section made by 2011 PA 162 apply
23 to causes of action that accrue on or after January 1, 2012.

24 (17) As used in this section, "dating relationship" means
25 frequent, intimate associations primarily characterized by the
26 expectation of affectional involvement. Dating relationship does
27 not include a casual relationship or an ordinary fraternization

1 between 2 individuals in a business or social context.

2 Enacting section 1. This amendatory act takes effect 90 days

3 after the date it is enacted into law.