



# HOUSE BILL No. 4925

June 1, 1995, Introduced by Reps. Cherry, Martinez, Hanley, Gubow, Curtis, Varga, Yokich, Baird, Goschka, Gire, DeHart, Brater, Pitoniak, DeMars, Scott, LaForge and Bush and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 5805 of Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

as amended by Act No. 115 of the Public Acts of 1988, being section 600.5805 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 5805 of Act No. 236 of the Public Acts  
2 of 1961, as amended by Act No. 115 of the Public Acts of 1988,  
3 being section 600.5805 of the Michigan Compiled Laws, is amended  
4 to read as follows:

5 Sec. 5805. (1) A person shall not bring or maintain an  
6 action to recover damages for injuries to persons or property  
7 unless, after the claim first accrued to the plaintiff or to  
8 someone through whom the plaintiff claims, the action is  
9 commenced within the periods of time prescribed by this section.

1       (2) The period of limitations is 2 years for an action  
2 charging assault, battery, or false imprisonment.

3       (3) THE PERIOD OF LIMITATIONS IS 10 YEARS FOR AN ACTION  
4 CHARGING ASSAULT OR BATTERY BROUGHT BY A VICTIM OF DOMESTIC VIO-  
5 LENCE AS DEFINED IN SECTION 1 OF ACT NO. 389 OF THE PUBLIC ACTS  
6 OF 1978, BEING SECTION 400.1501 OF THE MICHIGAN COMPILED LAWS.

7       (4) ~~(3)~~ The period of limitations is 2 years for an action  
8 charging malicious prosecution.

9       (5) ~~(4)~~ Except as otherwise provided in this chapter, the  
10 period of limitations is 2 years for an action charging  
11 malpractice.

12       (6) ~~(5)~~ The period of limitations is 2 years for an action  
13 against a sheriff charging misconduct or neglect of office by the  
14 sheriff or the sheriff's deputies.

15       (7) ~~(6)~~ The period of limitations is 2 years after the  
16 expiration of the year for which a constable was elected for  
17 actions based on the constable's negligence or misconduct as  
18 constable.

19       (8) ~~(7)~~ The period of limitations is 1 year for an action  
20 charging libel or slander.

21       (9) ~~(8)~~ The period of limitations is 3 years after the  
22 time of the death or injury for all other actions to recover dam-  
23 ages for the death of a person, or for injury to a person or  
24 property.

25       (10) THE PERIOD OF LIMITATIONS IS 10 YEARS FOR AN ACTION TO  
26 RECOVER DAMAGES FOR INJURY TO A PERSON OR PROPERTY BROUGHT BY A

1 VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN SECTION 1 OF ACT  
2 NO. 389 OF THE PUBLIC ACTS OF 1978.

3 (11) ~~(9)~~ The period of limitations is 3 years for a prod-  
4 ucts liability action. However, in the case of a product ~~which~~  
5 THAT has been in use for not less than 10 years, the plaintiff,  
6 in proving a prima facie case, shall be required to do so without  
7 benefit of any presumption.

8 (12) ~~(10)~~ The period of limitations for an action against  
9 a state licensed architect, professional engineer, land surveyor,  
10 or contractor based on an improvement to real property shall be  
11 as provided in section 5839.