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Senate Bill 882 (as reported without amendment)

Sponsor: Senator Alan Sanborn

Committee: Judiciary

## **CONTENT**

The bill would amend Section 5839 of the Revised Judicature Act to provide that an action against a State-licensed architect, professional engineer, contractor, or licensed surveyor would be subject to the applicable period of limitations as provided in Chapter 58 (Limitation of Actions), but Section 5839 also would apply to an action against a State-licensed architect, professional engineer, contractor, or licensed surveyor as an additional limitation.

(Section 5839 establishes a period of repose on actions against architects, professional engineers, contractors, and surveyors. (A period of repose sets a fixed time following an event, other than the injury or damage, after which a person cannot be held liable for injury or damage. When the period of repose expires, an action may not be brought even if the injury or damage has not yet occurred.) As a rule, under Section 5839, a person may not bring an action arising out of the defective and unsafe condition of an improvement to real property, against an architect, professional engineer, or contractor later than six years after the time of occupancy or acceptance of the completed improvement.

Section 5805 of the Act establishes periods of limitations on various types of actions (which limit the period of time an action may be brought after an injury or damage occurs or is discovered). Section 5805 includes a two-year period of limitations for a malpractice action, and a three-year period of limitations for an action to recover damages for the death of or injury to a person (a general negligence action).)

MCL 600.5839 Legislative Analyst: Suzanne Lowe

## FISCAL IMPACT

The bill would have an indeterminate impact on the State and local units of government. The extent to which the bill could preclude an action brought by the State or local unit of government in the future is not determinable.

Date Completed: 10-27-09 Fiscal Analyst: Bill Bowerman