

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

***** 600.5839.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2012 *****

600.5839.amended Period of limitations on actions against licensed architect, professional engineer, contractor, or licensed professional surveyor; definitions; applicability.

Sec. 5839. (1) A person shall not maintain an action to recover damages for injury to property, real or personal, or for bodily injury or wrongful death, arising out of the defective or unsafe condition of an improvement to real property, or an action for contribution or indemnity for damages sustained as a result of such injury, against any state licensed architect or professional engineer performing or furnishing the design or supervision of construction of the improvement, or against any contractor making the improvement, unless the action is commenced within either of the following periods:

(a) Six years after the time of occupancy of the completed improvement, use, or acceptance of the improvement.

(b) If the defect constitutes the proximate cause of the injury or damage for which the action is brought and is the result of gross negligence on the part of the contractor or licensed architect or professional engineer, 1 year after the defect is discovered or should have been discovered. However, an action to which this subdivision applies shall not be maintained more than 10 years after the time of occupancy of the completed improvement, use, or acceptance of the improvement.

(2) A person shall not maintain an action to recover damages based on error or negligence of a licensed professional surveyor in the preparation of a survey or report more than 6 years after the survey or report is recorded or is delivered to the person for whom it was made or the person's agent.

(3) As used in this section:

(a) "Contractor" means an individual, corporation, partnership, or other business entity that makes an improvement to real property.

(b) "State licensed architect or professional engineer" or "licensed professional surveyor" means an individual so licensed, or a corporation, partnership, or other business entity on behalf of whom the state licensed architect or professional engineer or licensed professional surveyor is performing or directing the performance of the architectural, professional engineering, or land surveying service.

(4) The amendments to this section made by the 2011 amendatory act that added this subsection apply to causes of action that accrue on or after the effective date of that amendatory act.

History: Add. 1967, Act 203, Eff. Nov. 2, 1967;—Am. 1985, Act 188, Eff. Mar. 31, 1986;—Am. 2011, Act 162, Eff. Jan. 1, 2012.

Constitutionality: In *O'Brien v Hazelet & Erdal*, 410 Mich 1; 299 NW2d 336 (1980), the Michigan supreme court held that this statute does not violate constitutional precepts of due process and equal protection.