

HOUSE BILL NO. 5117

October 16, 2019, Introduced by Rep. Bolden and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 6431 and 6452 (MCL 600.6431 and 600.6452).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6431. (1) ~~No~~**Except as otherwise provided in this**
2 **section, a** claim may **not** be maintained against ~~the~~**this** state
3 unless the claimant, within 1 year after ~~such~~**the** claim has
4 accrued, files in the office of the clerk of the court of claims
5 either a written claim or a written notice of intention to file a



claim against ~~the~~**this** state or any of its departments,
commissions, boards, institutions, arms, or agencies. ~~stating~~

**(2) A claim or notice under subsection (1) must contain all of
the following:**

(a) A statement of the time when and the place where ~~such the~~
claim arose. ~~and in detail~~

(b) A detailed statement of the nature of the ~~same claim~~ and
of the items of damage alleged or claimed to have been sustained. ~~which claim or notice shall be signed and verified by the claimant before an officer authorized to administer oaths.~~

(c) ~~(2) Such claim or notice shall designate~~ **A designation of**
any department, commission, board, institution, arm, or agency of
the state involved in connection with ~~such the~~ claim. ~~and a copy of such~~

**(d) A signature and verification by the claimant before an
officer authorized to administer oaths.**

(3) A claimant shall furnish copies of a claim or notice shall
~~be furnished filed under subsection (1) to the clerk at the time of
the filing of the original for transmittal to the attorney general
and to each of the departments, commissions, boards, institutions,
arms, or agencies of this state designated in the claim or notice.~~

(4) ~~(3) In all actions~~ **For a claim against this state** for
property damage or personal injuries, **the** claimant shall file **the**
claim or notice under subsection (1) with the clerk of the court of
claims ~~a notice of intention to file a claim or the claim itself~~
within 6 months ~~following the happening of~~ **after** the event giving
that gives rise to the ~~cause of action.~~**claim.**

**(5) This section does not apply to a claim for compensation
under the wrongful imprisonment compensation act, 2016 PA 343, MCL**



1 **691.1751 to 691.1757.**

2 Sec. 6452. (1) Every claim against ~~the~~**this** state, cognizable
3 by the court of claims, ~~shall be~~**is** forever barred unless the claim
4 is filed with the clerk of the court or ~~suit instituted thereon~~**an**
5 **action is commenced on the claim** in federal court as authorized in
6 section 6440, within 3 years after the claim first accrues.

7 (2) Except as modified by this section, ~~the provisions of RJA~~
8 chapter 58, relative to the limitation of actions, ~~shall also be~~
9 ~~applicable~~**applies** to the limitation ~~prescribed in~~**under** this
10 section.

11 (3) The attorney general ~~shall have~~**has** the same right as a
12 creditor under ~~the provisions of the statutes of the~~**this** state ~~of~~
13 ~~Michigan in such case made and provided,~~ to petition for the
14 ~~granting of letters of administration~~**appointment of a personal**
15 **representative** of the estate of ~~any~~**a** deceased person.

16 (4) The attorney general ~~shall have~~**has** the same right as a
17 superintendent of the poor under ~~the provisions of the statutes of~~
18 ~~the~~**this** state ~~of Michigan in such case made and provided,~~ to
19 petition for the appointment of a guardian of the estate of a minor
20 or any other ~~person~~**individual** under **a** disability.

21 (5) **This section does not apply to a claim for compensation**
22 **under the wrongful imprisonment compensation act, 2016 PA 343, MCL**
23 **691.1751 to 691.1757.**

24 Enacting section 1. Sections 6431 and 6452 of the revised
25 judicature act of 1961, 1961 PA 236, MCL 600.6431 and 600.6452, as
26 amended by this amendatory act, apply retroactively to March 29,
27 2017.

