

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

600.5852 Death before period of limitations has run or within 30 days thereafter; commencement of action; death or legal incapacitation of personal representative; limitation on commencement of action.

Sec. 5852.

(1) If a person dies before the period of limitations has run or within 30 days after the period of limitations has run, an action that survives by law may be commenced by the personal representative of the deceased person at any time within 2 years after letters of authority are issued although the period of limitations has run.

(2) If the action that survives by law is an action alleging medical malpractice, the 2-year period under subsection (1) runs from the date letters of authority are issued to the first personal representative of an estate. Except as provided in subsection (3), the issuance of subsequent letters of authority does not enlarge the time within which the action may be commenced.

(3) If a personal representative dies or is adjudged by a court to be legally incapacitated within 2 years after his or her letters are issued, the successor personal representative may commence an action alleging medical malpractice that survives by law within 1 year after the personal representative died or was adjudged by a court to be legally incapacitated.

(4) Notwithstanding subsections (1) to (3), an action shall not be commenced under this section later than 3 years after the period of limitations has run.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 1988, Act 221, Eff. Jan. 1, 1989 ;-- Am. 2012, Act 609, Eff. Mar. 28, 2013

Compiler's Notes: Enacting section 1 of Act 609 of 2012 provides: "Enacting section 1. Sections 2912e, 5852, and 6013 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2912e, 600.5852, and 600.6013, as amended by this amendatory act apply only to actions in which the cause of action arose on or after the effective date of this amendatory act."