

no-fault newsline

A ROAD MAP FOR MOTOR VEHICLE INSURERS AND OWNERS

10.28.04

One-Year Statute of Limitation Applies to Bridge Damaged by Tractor Trailer

By Jack Weston

The one year statute of limitation was held to be applicable to the State of Michigan in a claim for damage to an overpass that was struck by a tractor trailer. The Michigan Court of Appeals rejected the State of Michigan's argument that a three year statute of limitations applied rather than the one year limitation of MCLA 500.3145.

In *Dept of Transportation v Landstar Ligon, Inc*, _____ Mich App _____ (2004), a tractor trailer owned by Defendant Landstar struck an overpass in March, 2001. The State of Michigan Department of Transportation spent several months completing a bridge damage assessment before submitting a claim to Landstar in December, 2001. The parties attempted to negotiate a resolution, but were unsuccessful. The State of Michigan filed a lawsuit against Landstar for the property damage in November of 2002.

Landstar filed a Motion for Summary Disposition arguing that the Michigan No-Fault Statute, MCLA 500.3135 precluded a tort action against it, and asserting that Plaintiff's sole remedy was a claim for property protection benefits under the Act. However, Landstar noted that the Act mandated that a claim for property protection benefits must be filed within one year after the date of the accident, which Plaintiff had failed to do.

SECRET WARDLE NOTES:

The one-year statute of limitations for property damage caused by a motor vehicle accident applies to claims brought by the State of Michigan. The Michigan Department of Transportation is clearly on notice that it has one year in which to assess, negotiate and file their claims for property damage caused by motor vehicle accidents.

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The Michigan Department of Transportation argued that a statute of limitations never runs against the State unless the State permits the statutes application to its claims. Therefore, the only applicable statute would be the three year tort statute of limitations.

The trial court, relying upon MCLA 600.5821(3), ruled that the State of Michigan was subject to the same statute of limitations as individuals. The court, accordingly, granted summary disposition for Landstar, ruling that the one-year limitation period for recovering damage to property caused by a motor vehicle accident, MCL 500.3145, applied to the State of Michigan's claim.

The Court of Appeals upheld the ruling of the trial court, indicating that, based upon the language of the relevant statutes; the State of Michigan had accepted the one year statute of limitations for recovering property damage caused by a motor vehicle accident. Further, since this one-year period had already run before Plaintiff had made its claim, summary disposition was properly granted by the trial court.

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