

Shorter Statutes of Limitations for Property Damage Caused By Automobiles in Michigan and Wisconsin

Two states, Michigan and Wisconsin, maintain shorter statutes of limitations for claims arising from property damage to buildings caused by automobiles. It is, of course, imperative to comply with the shorter statute of limitation when pursuing a claim arising from property damage to a building caused by an automobile in either Michigan or Wisconsin.

Michigan

Michigan maintains a three-year statute of limitations for tort claims arising from property damage. Mich. Comp. Laws § 600.5805(2). When an automobile damages a building, however, and the building owner seeks to recover from the liability insurer for the automobile's operator, a one-year statute of limitations applies. Mich. Comp. Laws § 500.3145. The injured building owner can bring a direct action against the liability insurer for the automobile's operator but the injured building owner, or its subrogating insurer, must bring that action within one year of the accident. *See id.*

If an injured building owner does not bring a direct action against the liability insurer for the automobile's operator within one year of the accident, the building owner or its subrogating insurer can still bring a claim against the automobile's operator within the general three-year statute of limitations. In that scenario, however, the liability insurer for the automobile's operator will not be required to respond to the injured building owner's claim. As such, if you seek to recover from the liability insurer for an automobile operator for causing damage to a building in Michigan, you must bring a direct action against the insurance carrier for the automobile's operator within one year of the accident.

Wisconsin

Wisconsin maintains a six-year statute of limitations for tort claims to recover for general property damage. Wis. Stat. § 893.52(1). When an automobile damages a building and the building owner seeks to recover from the automobile's operator, however, the statute of limitations is only three years. Wis. Stat. § 893.52(2). Unlike Michigan, Wisconsin does not permit or require a direct action against the automobile operator's insurance carrier. As such, if you seek to recover from the insurance carrier for an automobile operator for causing damage to a building in Wisconsin, you need only file a claim against the automobile operator within three years of the accident.

All of these issues are addressed in Cozen O'Connor's 50 State Jurisdictional Comparative Chart for Time Limitations (Statute of Limitations, Statute of Repose and Notice Requirements), which you can request at www.cozen.com. [Click here](#) for registration directions.

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