STATE OF MICHIGAN

COURT OF APPEALS

DIANE CAMERON and JAMES CAMERON, co-Guardians of the Estate of DANIEL CAMERON, Plaintiffs-Appellees, v AUTO CLUB INSURANCE ASSOCIATION, Defendant-Appellant.	FOR PUBLICATION July 13, 2004 9:20 a.m. No. 248315 Washtenaw Circuit Court LC No. 02-000549-NF Official Reported Version

Before: Fitzgerald, P.J., and Bandstra and Schuette, JJ.

FITZGERALD, P.J. (*concurring.*)

Before the 1993 amendment of MCL 600.5851(1), courts consistently held that the general saving provision of the Revised Judicature Act applied to all causes of action created by Michigan statutes, even when the statute creating the right contained its own limitations period. Thus, courts held that the one-year statute of limitations in MCL 500.3145(1) of the no-fault act is subject to the minority provision of § 5851(1), giving a minor one year of grace after termination of the disability of minority in which to commence an action. See, e.g., *Rawlins v Aetna Cas & Surety Co,* 92 Mich App 268, 271; 284 NW2d 782 (1979).

MCL 600.5851(1) was amended in 1993 and the wording was changed from "an action" to "an action under this act." I reluctantly concur with the majority's conclusion that, since the effective date of the 1993 amendment, the general saving provision does not apply to actions commenced under the no-fault act because the legal analysis is supported by the well-established rules of statutory construction. However, I do not believe that the Legislature intended this result and, therefore, I urge the Legislature to amend § 5851(1). Minors or insane persons are under the same disability whether their actions are under the RJA or the no-fault act. "[T]he defendant in one case is generally in no greater need than the defendant in the other of protection from delay in commencement of the action." See *Lambert v Calhoun*, 394 Mich 179, 190-191; 229 NW2d 332 (1975).

/s/ E. Thomas Fitzgerald