

Liability-Claims under other statutes

Section XXXXX Liability under this part as basis for claims under other statutes.

- (1) A person who is liable under this part and who dissolves pursuant to the dissolution provisions of either the business corporation act, 1972 PA 284, as amended, MCL450.1101 to 450.2098 or the Michigan limited liability company act, 1993 PA 23, as amended, MCL450.4101 to 450.5200, is liable for an existing claim against the corporation, or limited liability company, as applicable, based on its liability under this part. For the purposes of this subsection, an existing claim means any claim or right against the corporation, liquidated or unliquidated, or against the Michigan limited liability company, liquidated or unliquidated, as applicable. An existing claim does not mean a contingent liability or a claim based on an event occurring after the effective date of dissolution. For purposes of this subsection an existing claim includes the costs, damages, and obligations in subsection (1)(a) to (c) and all future costs of response activity under this part that result from that claim.
- (2) A person who is liable under this part is liable as a debtor for a claim if the person transfers an asset and the transfer is a fraudulent transfer pursuant to the uniform fraudulent transfer act, 1998 PA 434. For the purposes of this section, a claim means any right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured. For the purposes of this subsection, an existing claim shall include the costs, damages and obligations in section xxxxx(1)(a) through (e) (*Joint and several liability*), and all future costs of response activity under this part that result from that claim.