THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL No. 304 Session of 2011

INTRODUCED BY DENLINGER, AUMENT, BARRAR, BENNINGHOFF, BLOOM, BOYD, BROOKS, CAUSER, CHRISTIANA, CLYMER, CUTLER, DAY, ELLIS, EVERETT, FLECK, GABLER, GILLEN, GILLESPIE, GINGRICH, GODSHALL, GRELL, GROVE, HARRIS, HICKERNELL, HUTCHINSON, KAUFFMAN, M.K. KELLER, F. KELLER, KILLION, KNOWLES, LAWRENCE, MAHER, MAJOR, METCALFE, MILLARD, MILLER, MILNE, MOUL, MURT, MUSTIO, OBERLANDER, PERRY, PETRI, PICKETT, PYLE, QUIGLEY, RAPP, REED, REICHLEY, ROAE, ROCK, ROSS, SACCONE, SAYLOR, SCHRODER, SIMMONS, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, TOEPEL, TRUITT, VULAKOVICH AND WATSON, JANUARY 27, 2011

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 27, 2011

AN ACT

1 2 3	Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a statute of repose.
4	The General Assembly of the Commonwealth of Pennsylvania
5	hereby enacts as follows:
6	Section 1. Title 42 of the Pennsylvania Consolidated
7	Statutes is amended by adding a section to read:
8	<u>§ 5539. Statute of repose.</u>
9	(a) General ruleExcept as provided in subsection (b), a
10	civil action or proceeding brought against any person,
11	partnership or corporation to recover damages for death, for
12	injury to persons or property or for economic loss allegedly
13	resulting from a defective product must be commenced within 15
14	years of any of the following:

1 (1) The date of delivery of the product to the first. 2 purchaser or lessee who is not engaged in the business of. 3 selling or leasing the product. 4 (2) The date of completion of the replacement or. 5 addition of a new component, system, subassembly or other. 6 part which was added to the product and which is alleged to. 7 have caused death, injury to persons or property or economic. 8 loss. 9 (b) ExceptionSubsection (a) does not apply to any of the. 10 following: 11 (1) An action brought under a written warranty which. 12 would be enforceable under law but for the operation of this. 13 section. 14 (2) An action against a manufacturer, seller or. 15 distributor of the product or the manufacturer, seller or. 16 distributor of any new component, system, subassembly or. 17 other part of the product alleging a physical illness the. 18 evidence of which did not appear in less than 15 years after. 19 the first exposure to the product. 20 (c) ApplicabilityThis section shall apply to any claim or. action brought by a		
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20110нв0304рм0256 - 2 -	30	time otherwise limited by this subchapter, but not later than 17

<u>years after the events described in subsection (a)(1) and (2).</u>
Section 2. This act shall apply to all actions filed after
the effective date of this act.

4 Section 3. This act shall take effect immediately.