
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 384 Session of
2011

INTRODUCED BY BAKER, BRUBAKER, EARLL, EICHELBERGER, FOLMER,
PICCOLA, SMUCKER, WAUGH, D. WHITE AND M. WHITE,
FEBRUARY 3, 2011

REFERRED TO JUDICIARY, FEBRUARY 3, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in limitation of time,
3 providing for a statute of repose in product liability
4 actions.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 5539. Statute of repose in product liability actions.

10 (a) General rule.--Except as provided in subsection (b), a
11 civil action or proceeding brought against any person or
12 business entity to recover damages for death, for injury to
13 persons or property or for economic loss allegedly resulting
14 from a defective product must be commenced within 15 years of
15 any of the following:

16 (1) The date of delivery of the product to the first
17 purchaser or lessee who is not engaged in the business of
18 selling or leasing the product.

1 (2) The date of completion of the replacement or
2 addition of a new component, system, subassembly or other
3 part which was added to the product and which is alleged to
4 have caused death, injury to persons or property or economic
5 loss.

6 (b) Exception.--Subsection (a) does not apply to any of the
7 following:

8 (1) An action brought under a written warranty which
9 would be enforceable under law but for the operation of this
10 section.

11 (2) An action against a manufacturer, seller or
12 distributor of the product or the manufacturer, seller or
13 distributor of any new component, system, subassembly or
14 other part of the product alleging a physical illness the
15 evidence of which did not appear within 15 years of the first
16 exposure to the product.

17 (c) Applicability.--This section shall apply to any claim or
18 action brought by a plaintiff for harm caused by a product,
19 irrespective of the theory underlying the claim, other than an
20 action for harm caused by breach of an express warranty.

21 (d) Limitation.--If an injury or wrongful death occurs more
22 than 13 years and within 15 years after delivery of the product
23 as described in subsection (a) (1) or the date of completion of
24 the replacement or addition of a new component as described in
25 subsection (a) (2), a civil action or proceeding within the scope
26 of subsection (a) may be commenced within the time otherwise
27 limited by this subchapter, but not later than 17 years after
28 the events described in subsection (a) (1) and (2).

29 Section 2. This act shall apply to all actions filed after
30 the effective date of this section.

1 Section 3. This act shall take effect immediately.