

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 911 Session of 2013

INTRODUCED BY DENLINGER, ROCK, REED, BROOKS, CAUSER, PICKETT, KRIEGER, AUMENT, RAPP, SAYLOR, HICKERNELL, CUTLER, WATSON, GODSHALL, TURZAI, HESS, BARRAR, FLECK, KNOWLES, MAJOR, STERN, KAUFFMAN, BLOOM, GRELL, SWANGER, MILLARD, LAWRENCE, MILLER, C. HARRIS, SACCONI, M. K. KELLER, TRUITT, GINGRICH, STEVENSON, CLYMER, ROSS, GABLER, MILNE, MURT, GROVE, EVERETT, METCALFE AND GILLEN, MARCH 11, 2013

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 11, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for a statute  
3 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 § 5539. Statute of repose.

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

15 (1) The date of delivery of the product to the first  
16 purchaser or lessee who is not engaged in the business of

1 selling or leasing the product.

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

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

8 (1) An action brought under a written warranty that  
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 in less than 15 years after  
16 the first 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 shall occur  
22 more than 13 years and within 15 years after delivery of the  
23 product as described in subsection (a)(1), or the date of  
24 completion of the replacement or addition of a new component as  
25 described in subsection (a)(2), a civil action or proceeding  
26 within the scope of subsection (a) may be commenced with the  
27 time otherwise limited by this subchapter, but not later than 17  
28 years after 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 act.

1       Section 3.   This act shall take effect immediately.