

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 446 Session of  
2013

INTRODUCED BY BAKER, EICHELBERGER, SMUCKER, WHITE, FOLMER,  
HUTCHINSON, WAUGH AND BRUBAKER, FEBRUARY 7, 2013

REFERRED TO JUDICIARY, FEBRUARY 7, 2013

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.

19 (2) The date of completion of the replacement or

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

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

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

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

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

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

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

30 Section 3. This act shall take effect immediately.