AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, further providing for construction projects.

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

Section 1. Section 5536 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5536. Construction projects.

(a) General rule.—Except as provided in subsection (b), a civil action or proceeding brought against any person lawfully performing or furnishing the design, planning, supervision or observation of construction, or construction of any improvement to real property must be commenced within 15 years after completion of construction of such improvement to recover damages for:

(1) Any deficiency in the design, planning, supervision or observation of construction or construction of the improvement[.], including a deficiency arising from the use
of defective building materials or the improper installation
of building materials.

(2) Injury to property, real or personal, arising out of
any such deficiency.

(3) Injury to the person or for wrongful death arising
out of any such deficiency.

(4) Contribution or indemnity for damages sustained on
account of any injury mentioned in paragraph (2) or (3).

(b) Exceptions.--

(1) If an injury or wrongful death shall occur more than
[twelve and one-half] 13 years after completion of the
improvement a civil action or proceeding within the scope of
subsection (a) may be commenced within the time otherwise
limited by this subchapter, but not later than [fifteen] 17 years
after completion of construction of such improvement.

(2) The limitation prescribed by subsection (a) shall
not be asserted by way of defense by any person in actual
possession or control, as owner, tenant or otherwise, of such
an improvement at the time any deficiency in such an
improvement constitutes the proximate cause of the injury or
wrongful death for which it is proposed to commence an action
or proceeding.

(c) No extension of limitations.--This section shall not
extend the period within which any civil action or proceeding
may be commenced under any provision of law.

(d) Action by initial or subsequent owner.--A civil action
or proceeding may be brought against a person lawfully
performing or furnishing the design, planning, supervision or
observation of construction, or construction of an improvement
to real property by the initial owner after completion of
construction of the improvement or by a subsequent owner, if the
action or proceeding is brought within the period provided in
this section.

Section 2. This act shall take effect in 60 days.