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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 304 Session of  
2011

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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, SACCONI, SAYLOR,  
SCHRODER, SIMMONS, SONNEY, STERN, STEVENSON, SWANGER,  
TALLMAN, TOEPEL, TRUITT, VULAKOVICH AND WATSON,  
JANUARY 27, 2011

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 27, 2011

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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 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) Exception.--Subsection (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) Applicability.--This section shall apply to any claim or  
21 action brought by a plaintiff for harm caused by a product,  
22 irrespective of the theory underlying the claim, other than an  
23 action for harm caused by breach of an express warranty.

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

1 years after the events described in subsection (a)(1) and (2).

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

4 Section 3. This act shall take effect immediately.