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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1831 Session of  
2017

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INTRODUCED BY O'NEILL, COX, DeLUCA, MILLARD, ROEBUCK, THOMAS,  
WATSON, WHEELAND AND D. COSTA, OCTOBER 18, 2017

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, OCTOBER 18, 2017

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AN ACT

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

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

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

8 § 5536. Construction projects.

9 (a) General rule.--Except as provided in subsection (b), a  
10 civil action or proceeding brought against any person lawfully  
11 performing or furnishing the design, planning, supervision or  
12 observation of construction, or construction of any improvement  
13 to real property must be commenced within [12] 15 years after  
14 completion of construction of such improvement to recover  
15 damages for:

16 (1) Any deficiency in the design, planning, supervision  
17 or observation of construction or construction of the  
18 improvement[.], including a deficiency arising from the use

1 of defective building materials or the improper installation  
2 of building materials.

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

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

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

9 (b) Exceptions.--

10 (1) If an injury or wrongful death shall occur more than  
11 [ten] 13 and within [12] 15 years after completion of the  
12 improvement a civil action or proceeding within the scope of  
13 subsection (a) may be commenced within the time otherwise  
14 limited by this subchapter, but not later than [14] 17 years  
15 after completion of construction of such improvement.

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

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

26 (d) Action by initial or subsequent owner.--A civil action  
27 or proceeding may be brought against a person lawfully  
28 performing or furnishing the design, planning, supervision or  
29 observation of construction, or construction of an improvement  
30 to real property by the initial owner after completion of

1 construction of the improvement or by a subsequent owner, if the  
2 action or proceeding is brought within the period provided in  
3 this section.

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