

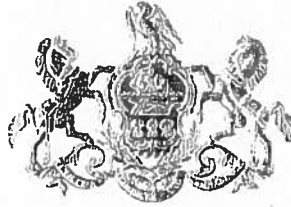
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Senate of Pennsylvania

January 21, 2011

MEMORANDUM

TO: All Senators

FROM:  Senator Lisa Baker

SUBJECT: Innocent Seller and Statute of Repose Legislation

I plan to re-introduce legislation that would **exempt certain product sellers** from product liability lawsuits. This proposal was introduced as **Senate Bill 372** from last session. The co-sponsors of that bill were Senators FOLMER, PICCOLA, EARLL, SMUCKER, RAFFERTY, BRUBAKER, EICHELBERGER, WAUGH, M. WHITE and D. WHITE.

Currently, there are instances in which a product seller other than the manufacturer can be sued if a product they sold is later found to be defective. The Innocent Sellers Act would exempt product sellers from liability if they have not manufactured or altered a product.

I also plan to re-introduce **Senate Bill 373** from last session which would establish a **statute of repose** in certain liability actions. The co-sponsors of that measure were FOLMER, PICCOLA, CORMAN, EARLL, SMUCKER, WAUGH, EICHELBERGER, YAW, M. WHITE AND D. WHITE.

The bill also amends Title 42 by adding a section to limit the time that civil action can be brought against a person or business for death, injury, or personal property loss to fifteen years in product liability cases.

Fifteen years is a sensible and practical limit on the amount of time that manufacturers can be held liable for a defective product. By including exemptions for latent illnesses (such as diseases caused by asbestos) and items covered under warranty, the proposal will continue to offer a reasonable timeframe to protect the rights of those who are injured while relieving manufacturers of the burden of defending a product that was built or installed decades before.

If you wish to co-sponsor either proposal, please contact Liz Clancy at LClancy@pasen.gov or by phone at 787-7428.