

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1907 Session of
2003

INTRODUCED BY DENLINGER, TURZAI, BALDWIN, CAPPELLI, CRAHALLA,
CREIGHTON, GODSHALL, GORDNER, HABAY, HARRIS, HERSHEY,
HICKERNELL, LEH, McILHATTAN, S. MILLER, PETRI, PICKETT,
RUBLEY, SCHRODER, STEIL, STERN, T. STEVENSON, WILT,
ARMSTRONG, BOYD, COLEMAN, GINGRICH, WASHINGTON, PAYNE AND
HUTCHINSON, AUGUST 5, 2003

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 5, 2003

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:

15 (1) The date of delivery of the product to the first
16 purchaser or lessee who is not engaged in the business of

1 selling or leasing the product.

2 (2) The date of completion of the replacement or
3 addition of a new component, system, subassembly or other
4 part which was added to the product and which is alleged to
5 have caused death, injury to persons or property, or economic
6 loss.

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

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

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

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

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

30 Section 2. This act shall apply to all actions filed after

1 the effective date of this act.

2 Section 3. This act shall take effect immediately.