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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 967**      Session of  
2007

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INTRODUCED BY BAKER, CORMAN, ARMSTRONG, FOLMER, MADIGAN, REGOLA,  
M. WHITE, WONDERLING AND EARLL, JUNE 14, 2007

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REFERRED TO JUDICIARY, JUNE 14, 2007

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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 in product liability actions.

9 (a) General rule.--Except as provided in subsection (b), a  
10 civil action or proceeding brought against any person or  
11 business entity to recover damages for death, for injury to  
12 persons or property or for economic loss allegedly resulting  
13 from a defective product must be commenced within 15 years of  
14 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  
17 selling or leasing the product.

18 (2) The date of completion of the replacement or

1 addition of a new component, system, subassembly or other  
2 part which was added to the product and which is alleged to  
3 have caused death, injury to persons or property, or economic  
4 loss.

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

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

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

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

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

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

30 Section 3. This act shall take effect immediately.