
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 258 Session of
2017

INTRODUCED BY KAUFFMAN, IRVIN, SAYLOR, MOUL, MILLARD, HELM,
CUTLER AND B. MILLER, JANUARY 31, 2017

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 2017

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in limitation of time,
3 providing for a statute 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 a person, partnership
11 or corporation to recover damages for death, injury to persons
12 or property or economic loss allegedly resulting from a
13 defective product must be commenced within 15 years of any of
14 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 that was added to the product and is alleged to have
3 caused death, injury to persons or property or economic loss.

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

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

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

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

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

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

29 Section 3. This act shall take effect immediately.