
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 833 Session of
2021

INTRODUCED BY LAUGHLIN, DiSANTO, COMMITTA, MENSCH AND STEFANO,
AUGUST 11, 2021

REFERRED TO JUDICIARY, AUGUST 11, 2021

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] six 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.

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

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

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

7 (b) Exceptions.--

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

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

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

24 (d) Definition.--As used in this section, the term
25 "lawfully" means a person who, when required by law, is licensed
26 or otherwise authorized by law to perform or furnish the design,
27 planning, supervision or observation of construction. The term
28 includes the design and construction of any improvement to real
29 property or a person who has secured a permit for the
30 construction of improvements to real property.

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