

107TH CONGRESS
1ST SESSION

H. R. 940

To establish a statute of repose for durable goods used in a trade or business.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2001

Mr. CHABOT (for himself, Ms. KAPTUR, Mr. GEKAS, and Mr. SHIMKUS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish a statute of repose for durable goods used
in a trade or business.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Workplace Goods Job
5 Growth and Competitiveness Act of 2001”.

6 **SEC. 2. STATUTE OF REPOSE FOR DURABLE GOODS USED**
7 **IN A TRADE OR BUSINESS.**

8 (a) IN GENERAL.—Except as otherwise provided in
9 this Act—

1 (1) no civil action may be filed against the
2 manufacturer or seller of a durable good for damage
3 to property arising out of an accident involving that
4 durable good if the accident occurred more than 18
5 years after the date on which the durable good was
6 delivered to its first purchaser or lessee; and

7 (2) no civil action may be filed against the
8 manufacturer or seller of a durable good for dam-
9 ages for death or personal injury arising out of an
10 accident involving that durable good if the accident
11 occurred more than 18 years after the date on which
12 the durable good was delivered to its first purchaser
13 or lessee and if—

14 (A) the claimant has received or is eligible
15 to receive worker compensation; and

16 (B) the injury does not involve a toxic
17 harm (including, but not limited to, any asbes-
18 tos-related harm).

19 (b) EXCEPTIONS.—

20 (1) IN GENERAL.—A motor vehicle, vessel, air-
21 craft, or train, that is used primarily to transport
22 passengers for hire shall not be subject to this Act.

23 (2) CERTAIN EXPRESS WARRANTIES.—This Act
24 does not bar a civil action against a defendant who
25 made an express warranty in writing as to the safety

1 or life expectancy of a specific product which was
2 longer than 18 years, except that this Act shall
3 apply at the expiration of that warranty.

4 (3) AVIATION LIMITATIONS PERIOD.—This Act
5 does not affect the limitations period established by
6 the General Aviation Revitalization Act of 1994 (49
7 U.S.C. 40101 note).

8 (4) ACTIONS INVOLVING THE ENVIRONMENT.—
9 Subsection (a)(1) does not supersede or modify any
10 statute or common law that authorizes an action for
11 civil damages, cost recovery, or any other form of re-
12 lief for remediation of the environment (as defined
13 in section 101(8) of the Comprehensive Environ-
14 mental Response, Compensation, and Liability Act
15 of 1980 (42 U.S.C. 9601(8)).

16 (c) EFFECT ON STATE LAW; PREEMPTION.—Subject
17 to subsection (b), this Act preempts and supersedes any
18 State law that establishes a statute of repose to the extent
19 such law applies to actions covered by this Act. Any action
20 not specifically covered by this Act shall be governed by
21 applicable State law.

22 (d) TRANSITIONAL PROVISION RELATING TO EXTEN-
23 SION OF REPOSE PERIOD.—To the extent that this Act
24 shortens the period during which a civil action could be
25 otherwise brought pursuant to another provision of law,

1 the claimant may, notwithstanding this Act, bring the ac-
2 tion not later than 1 year after the date of the enactment
3 of this Act.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) CLAIMANT.—The term “claimant” means
7 any person who brings an action covered by this Act
8 and any person on whose behalf such an action is
9 brought. If such an action is brought through or on
10 behalf of an estate, the term includes the claimant’s
11 decedent. If such an action is brought through or on
12 behalf of a minor or incompetent, the term includes
13 the claimant’s legal guardian.

14 (2) DURABLE GOOD.—The term “durable good”
15 means any product, or any component of any such
16 product, which—

17 (A)(i) has a normal life expectancy of 3 or
18 more years; or

19 (ii) is of a character subject to allowance
20 for depreciation under the Internal Revenue
21 Code of 1986; and

22 (B) is—

23 (i) used in a trade or business;

24 (ii) held for the production of income;

25 or

1 (iii) sold or donated to a governmental
2 or private entity for the production of
3 goods, training, demonstration, or any
4 other similar purpose.

5 (3) STATE.—The term “State” means any
6 State of the United States, the District of Columbia,
7 the Commonwealth of Puerto Rico, the Northern
8 Mariana Islands, the Virgin Islands, Guam, Amer-
9 ican Samoa, any other territory or possession of the
10 United States, and any political subdivision of any
11 of the foregoing.

12 **SEC. 4. EFFECTIVE DATE; APPLICATION OF ACT.**

13 (a) EFFECTIVE DATE.—Except as provided in sub-
14 section (b), this Act shall take effect on the date of the
15 enactment of this Act without regard to whether the dam-
16 age to property or death or personal injury at issue oc-
17 curred before such date of enactment.

18 (b) APPLICATION OF ACT.—This Act shall not apply
19 with respect to civil actions commenced before the date
20 of the enactment of this Act.

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