

106TH CONGRESS
1ST SESSION

H. R. 2005

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1999

Mr. CHABOT (for himself, Ms. SLAUGHTER, 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 1999”.

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—

10 (1) no civil action for damage to property aris-
11 ing out of an accident involving a durable good may

1 be filed against the manufacturer or seller of the du-
2 rable good more than 18 years after the durable
3 good was delivered to its first purchaser or lessee;
4 and

5 (2) no civil action for damages for death or per-
6 sonal injury arising out of an accident involving a
7 durable good may be filed against the manufacturer
8 or seller of the durable good more than 18 years
9 after the durable good was delivered to its first pur-
10 chaser or lessee if—

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

13 (B) the injury does not involve a toxic
14 harm.

15 (b) EXCEPTIONS.—

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

19 (2) CERTAIN EXPRESS WARRANTIES.—This Act
20 does not bar a civil action against a defendant who
21 made an express warranty in writing as to the safety
22 or life expectancy of a specific product which was
23 longer than 18 years, except that this Act shall
24 apply at the expiration of that warranty.

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

5 (c) EFFECT ON STATE LAW; PREEMPTION.—Nothing
6 in this Act shall be construed to preempt or supersede any
7 State law establishing a statute of repose applicable to
8 products other than durable goods or governing a claim
9 that is not specifically covered by this Act. Any claim that
10 is not specifically covered by this Act or involves a product
11 not subject to this Act shall be governed by applicable
12 State law.

13 (d) TRANSITIONAL PROVISION RELATING TO EXTEN-
14 SION OF REPOSE PERIOD.—To the extent that this Act
15 shortens the period during which a civil action could be
16 otherwise brought pursuant to another provision of law,
17 the claimant may, notwithstanding this Act, bring the ac-
18 tion not later than 1 year after the date of the enactment
19 of this Act.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) CLAIMANT.—The term “claimant” means
23 any person who brings an action covered by this Act
24 and any person on whose behalf such an action is
25 brought. If such an action is brought through or on

1 behalf of an estate, the term includes the claimant's
2 decedent. If such an action is brought through or on
3 behalf of a minor or incompetent, the term includes
4 the claimant's legal guardian.

5 (2) DURABLE GOOD.—The term “durable good”
6 means any product, or any component of any such
7 product, which—

8 (A)(i) has a normal life expectancy of 3 or
9 more years; or

10 (ii) is of a character subject to allowance
11 for depreciation under the Internal Revenue
12 Code of 1986; and

13 (B) is—

14 (i) used in a trade or business;

15 (ii) held for the production of income;

16 or

17 (iii) sold or donated to a governmental
18 or private entity for the production of
19 goods, training, demonstration, or any
20 other similar purpose.

21 (3) STATE.—The term “State” means any
22 State of the United States, the District of Columbia,
23 the Commonwealth of Puerto Rico, the Northern
24 Mariana Islands, the Virgin Islands, Guam, Amer-
25 ican Samoa, and any other territory or possession of

1 the United States or any political subdivision of any
2 of the foregoing.

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

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

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

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