

106TH CONGRESS
2^D SESSION

H. R. 2005

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2000

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Workplace Goods Job
3 Growth and Competitiveness Act of 1999”.

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

6 (a) IN GENERAL.—Except as otherwise provided in
7 this Act—

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

14 (2) no civil action may be filed against the
15 manufacturer or seller of a durable good for dam-
16 ages for death or personal injury arising out of an
17 accident involving that durable good if the accident
18 occurred more than 18 years after the date on which
19 the durable good was delivered to its first purchaser
20 or lessee and if—

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

23 (B) the injury does not involve a toxic
24 harm (including, but not limited to, all asbes-
25 tos-related harm).

26 (b) EXCEPTIONS.—

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

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

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

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

22 (c) EFFECT ON STATE LAW; PREEMPTION.—Subject
23 to subsection (b), this Act preempts and supersedes any
24 State law that establishes a statute of repose to the extent
25 such law applies to actions covered by this Act. Any action

1 not specifically covered by this Act shall be governed by
2 applicable State law.

3 (d) TRANSITIONAL PROVISION RELATING TO EXTEN-
4 SION OF REPOSE PERIOD.—To the extent that this Act
5 shortens the period during which a civil action could be
6 otherwise brought pursuant to another provision of law,
7 the claimant may, notwithstanding this Act, bring the ac-
8 tion not later than 1 year after the date of the enactment
9 of this Act.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) CLAIMANT.—The term “claimant” means
13 any person who brings an action covered by this Act
14 and any person on whose behalf such an action is
15 brought. If such an action is brought through or on
16 behalf of an estate, the term includes the claimant’s
17 decedent. If such an action is brought through or on
18 behalf of a minor or incompetent, the term includes
19 the claimant’s legal guardian.

20 (2) DURABLE GOOD.—The term “durable good”
21 means any product, or any component of any such
22 product, which—

23 (A)(i) has a normal life expectancy of 3 or
24 more years; or

1 (ii) is of a character subject to allowance
2 for depreciation under the Internal Revenue
3 Code of 1986; and

4 (B) is—

5 (i) used in a trade or business;

6 (ii) held for the production of income;

7 or

8 (iii) sold or donated to a governmental
9 or private entity for the production of
10 goods, training, demonstration, or any
11 other similar purpose.

12 (3) STATE.—The term “State” means any
13 State of the United States, the District of Columbia,
14 the Commonwealth of Puerto Rico, the Northern
15 Mariana Islands, the Virgin Islands, Guam, Amer-
16 ican Samoa, and any other territory or possession of
17 the United States or any political subdivision of any
18 of the foregoing.

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

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

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

Passed the House of Representatives February 2,
2000.

Attest:

JEFF TRANDAHL,
Clerk.