

Union Calendar No. 236

106TH CONGRESS
1ST SESSION

H. R. 2005

[Report No. 106–410, Part I]

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

OCTOBER 21, 1999

Reported with an amendment and referred to the Committee on Commerce for a period ending not later than October 22, 1999, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X

OCTOBER 22, 1999

Additional sponsors: Ms. KAPTUR, Mr. GOODLATTE, Mr. GEKAS, and Mr. ROGAN

OCTOBER 22, 1999

The Committee on Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on June 7, 1999]

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*
12 *be filed against the manufacturer or seller of the du-*
13 *urable good more than 18 years after the durable good*
14 *was delivered to its first purchaser or lessee; and*

15 (2) *no civil action for damages for death or per-*
16 *sonal injury arising out of an accident involving a*
17 *durable good may be filed against the manufacturer*
18 *or seller of the durable good more than 18 years after*
19 *the durable good was delivered to its first purchaser*
20 *or lessee 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 harm*
24 *(including, but not limited to, all asbestos-related*
25 *harm).*

1 **(b) EXCEPTIONS.—**

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

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

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

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

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

1 *not later than 1 year after the date of the enactment of this*
2 *Act.*

3 **SEC. 3. DEFINITIONS.**

4 *In this Act:*

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

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

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

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

21 (B) *is—*

22 (i) *used in a trade or business;*

23 (ii) *held for the production of income;*

24 *or*

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

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

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 enact-
15 ment of this Act without regard to whether the damage to
16 property or death or personal injury at issue occurred be-
17 fore such date of enactment.

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

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