Ten-Year Statute of Repose Act

Model Legislation

Summary

Statutes of repose prohibit filing of claims beyond a specified period of time after the date of sale of a product or provision of a service. This model bill provides that a plaintiff must commence a course of action within 10 years after the purchase date of the product alleged to have caused an injury during use or consumption; the date of the last professional action alleged to have caused the harm; or the date of substantial completion of the construction that is alleged to have caused the harm.

Section 1. (Title.) This Act may be cited as the Ten-Year Statute of Repose Act.

Section 2. (Limitation period.)

(A) In any action for:

1. personal physical injury, illness or death;
2. mental anguish or emotional harm;
3. damage to property, except as such actions are governed by the Uniform Commercial Code;
4. wrongful death;
5. any loss of consortium or services; or
6. other loss deriving from any type of harm described in Subsections (1), (2), (3), (4), or (5) resulted from exposure to a toxic substance and was not manifest for more than 10 years after the final exposure to the toxic substance.

(b) the date that the product that is alleged to have caused the injury was first purchased for use or consumption;

(c) the date of the last professional action that is alleged to have caused the harm;

(d) the date of substantial completion of the construction that is alleged to have caused the harm.

Section 3. (Legal Disability.) The time limitation in the Act shall apply to all persons regardless of minority or other legal disability.

Section 4. (Severability Clause.)

Section 5. (Repealer Clause.)

Section 6. (Effective Date.)

Approved by the Health and Human Services Task Force in March 2002.
This proposed legislation establishes an across-the-board 10 year statute of limitations for filing liability claims against the sellers or producers of a product or service (including construction). There is a limited exemption for exposure to toxic substances. A 10 year statute of limitations severely limits an injured person from filing a liability suit, since harm or injury caused by a product or service often occurs more than ten years after its sale or production.