Model Legislation

Ten-Year Statute of Repose Act

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 cause 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.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Title.}

This Act shall be known and 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), the plaintiff must commence a cause of action within 10 years after:

(a) the date that the product that is alleged to have caused the injury was first purchased for use or consumption;
(b) the date of the last professional action that is alleged to have caused the harm; or
(c) the date of substantial completion of the construction that is alleged to have caused the harm.

(B) This time limitation does not apply if the 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.

Section 3. {Legal disability.}

The time limitation in this 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.}
Center for Media and Democracy’s quick summary:

This bill has the effect of limiting liability for product liability, construction defects, or other personal injury or negligence lawsuits. Specifically, it provides that a plaintiff must sue within ten years after a product is purchased, the date of the last professional action (i.e. when a doctor performed surgery), or the date of completion of construction; an exception is included for toxic substances.

In general, "statutes of repose" such as this are more liability-limiting than statutes of limitations. No similar proposals are before the Wisconsin legislature.