Summary
This Resolution urges {Insert State} to limit the reopening of statutes of limitation without the application of appropriate standards in product liability litigation.

Model Resolution
Section 1. {Short Title} This shall be known as the Fairness In Statute of Limitation Reopeners Resolution.

Section 2.
WHEREAS tort law recognizes and embraces the concept of a statute of limitations establishing a time after which actions may not be brought for damages arising out of an act or course of conduct; and
WHEREAS legislatures are sometimes urged to enact special provisions designating a period of time during which actions otherwise barred by the expiration of the applicable statute of limitations may be brought; and
WHEREAS special provisions are sought by a potential class of litigants notwithstanding the fact that manufacturers of products alleged to have caused injury to such a class have created a fund intended to compensate eligible claimants in lieu of litigation; and
WHEREAS media coverage of products or governmental policies which allegedly resulted in injuries to members of a potential class of litigants is often skewed in favor of compensation whether adequate evidence of alleged wrongdoing in fact exists; and
WHEREAS legislation may be enacted on the basis of exigencies which operate to seriously penalize businesses or industries without any showing of inappropriate behavior so that such entities cannot obtain liability insurance coverage at a reasonable cost, thus seriously weakening their economic well-being; and
WHEREAS legislation should only be enacted where evidence supports a finding that a manufacturer had or should have had information that a product was either actually or potentially capable of injury, of which the public was unaware, and the manufacturer withheld said information; and
WHEREAS in complex society where the reach of application of new technologies sometimes exceeds the grasp of anticipation of the consequences thereof, injuries occur for which no one can be said to be legally responsible, so that many must, to a significant extent, be responsible for themselves;
NOW THEREFORE BE IT RESOLVED, that {Insert State} supports the principle of limiting the reopening of statutes of limitation unless appropriate standards are applied to such proposed tolling of such statute for purposes of allowing actions to be brought; and
BE IT FURTHER RESOLVED, that in instances where statutes are reopened, any award to a litigant or class of litigants shall be limited solely to economic damages; and
BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the {Insert upper legislative body/lower legislative body as appropriate} and to the Office of the Governor.

ALEC's Sourcebook of American State Legislation 1996

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