
By: Delegates Bissett, Harkins, Bonsack, Jacobs, McClenahan, M. Burns, and O'Donnell

Introduced and read first time: February 2, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Statute of Repose - Durable Goods**

3 FOR the purpose of providing that certain product liability actions shall be barred unless
4 the complaint is filed within a certain period of time; defining certain terms;
5 providing for the construction and application of this Act; providing for the effective
6 date of this Act; and generally relating to establishing a statute of repose for certain
7 durable goods.

8 BY adding to

9 Article - Courts and Judicial Proceedings
10 Section 5-117
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1995 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Courts and Judicial Proceedings**

16 5-117.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (2) (I) "DURABLE GOOD" MEANS ANY TANGIBLE PRODUCT WITH A
20 NORMAL LIFE EXPECTANCY OF 3 YEARS OR MORE.

21 (II) "DURABLE GOOD" DOES NOT INCLUDE A MOTOR VEHICLE,
22 VESSEL, AIRCRAFT, OR RAILROAD CAR.

23 (3) "HARM" MEANS ANY:

24 (I) PHYSICAL, PSYCHOLOGICAL, EMOTIONAL, OR OTHER
25 PERSONAL INJURY;

26 (II) ILLNESS, DISEASE, CONDITION, OR DEATH; OR

27 (III) DAMAGE TO PROPERTY.

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1 (4) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP,
2 ASSOCIATION, OR OTHER ENTITY.

3 (5) "PRODUCT LIABILITY ACTION" MEANS A CIVIL ACTION BROUGHT BY
4 A CLAIMANT ON ANY THEORY OR DOCTRINE FOR HARM CAUSED BY A PRODUCT.

5 (B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
6 PRODUCT LIABILITY ACTION FOR HARM CAUSED BY A PRODUCT THAT IS A
7 DURABLE GOOD SHALL BE BARRED UNLESS THE COMPLAINT IS FILED WITHIN THE
8 EARLIER OF:

9 (I) 15 YEARS AFTER THE DATE OF SALE, LEASE, OR DELIVERY OF
10 POSSESSION OF THE DURABLE GOOD TO ITS INITIAL CONSUMER, USER, OR OTHER
11 NONSELLER; OR

12 (II) 18 YEARS AFTER THE DATE OF MANUFACTURE OF THE
13 DURABLE GOOD.

14 (2) THIS SUBSECTION DOES NOT APPLY TO AN ACTION FOR INDEMNITY
15 OR CONTRIBUTION BROUGHT BY A MANUFACTURER, SELLER, OR LESSOR OF A
16 DURABLE GOOD OR ANY OTHER PRODUCT AGAINST ANY OTHER PERSON WHO MAY
17 BE LIABLE TO THE MANUFACTURER, SELLER, OR LESSOR FOR ALL OR A PORTION
18 OF ANY JUDGMENT ENTERED AGAINST THE MANUFACTURER, SELLER, OR LESSOR.

19 (C) A PRODUCT LIABILITY ACTION AGAINST A PERSON WHO MADE AN
20 EXPRESS WARRANTY IN WRITING FOR A PERIOD LONGER THAN 15 YEARS AS TO THE
21 SAFETY OF THE SPECIFIC PRODUCT AS A WHOLE, OR AS TO ANY SPECIFIC FEATURE
22 OR FUNCTION OF THE PRODUCT GIVING RISE TO THE ACTION, SHALL BE BARRED
23 UNLESS THE COMPLAINT IS FILED BEFORE THE EXPIRATION OF THE EXPRESS
24 WARRANTY.

25 (D) (1) THIS SECTION MAY NOT BE CONSTRUED TO EXTEND OR OTHERWISE
26 MODIFY ANY STATUTE OF LIMITATION OR STATUTE OF REPOSE UNDER ANY OTHER
27 LAW, ORDINANCE, OR REGULATION.

28 (2) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT THE SEALED
29 CONTAINER DEFENSE IN § 5-311 OF THIS ARTICLE.

30 (E) THIS SECTION DOES NOT APPLY TO ANY ACTION RESULTING SOLELY
31 FROM EXPOSURE TO ASBESTOS OR TO LEAD PAINT.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
33 only prospectively and may not be applied or interpreted to have any effect on or
34 application to any action filed before the effective date of this Act.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 January 1, 1997.