



# Issue brief

## Statute of Repose

### What is a statute of repose?

A statute of repose is a law that prevents legal action from being brought a fixed number of years after the defendant acts in some way (such as by designing or manufacturing a product), even if that period ends before the plaintiff has suffered an injury. Unlike an ordinary statute of limitations, which begins running at the accrual of a claim, the period contained in a statute of repose begins when a specific event occurs.

### Does Pennsylvania have a statute of repose?

Yes, in limited cases. Pennsylvania has a statute of repose that applies to the construction industry and medical malpractice cases.

The Pennsylvania Statute of Repose (42 Pa. C.S.A. §5536) offers some relief from liability to builders, contractors, engineers and architects. The statute provides a limitation on bringing civil action against anyone involved in designing, planning, supervising or observing construction or improvements to real property within 12 years after completion of the construction or improvement project.

Pennsylvania also enacted a similar law (Act 13) in 2002 that limits the length of time an individual is allowed to file a claim for medical malpractice. The law bars any claim from being brought against a physician or caregiver if it has been more than seven years since the incident in question.

### What more is needed?

Too many product liability suits are brought many years after a product was manufactured and worked without incident. This leads to unfairness, difficulties in defense and higher insurance costs for everyone. The PA Chamber supports the enactment of a statute of repose in legal actions to recover damages for death, injury to persons or property or economic loss resulting from a defective product, particularly legislation that would establish a reasonable time limit for most products.

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