

ASSEMBLY, No. 1254

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblyman CARMELO G. GARCIA

District 33 (Hudson)

Assemblyman CRAIG J. COUGHLIN

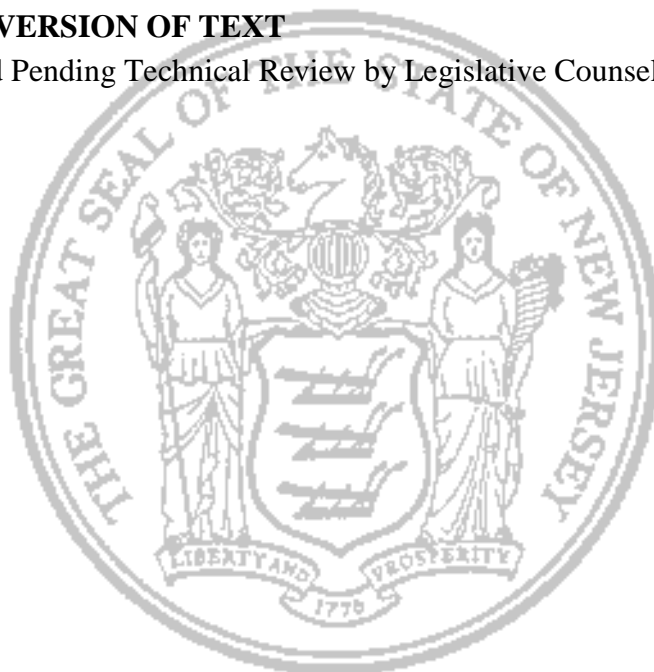
District 19 (Middlesex)

SYNOPSIS

Requires certain civil actions against certain licensed persons to be brought within two years.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 10/17/2014)

1 AN ACT concerning limitations of civil actions and amending
2 N.J.S.2A:14-1.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. N.J.S.2A:14-1 is amended to read as follows:

8 2A:14-1. a. Every action at law for trespass to real property, for
9 any tortious injury to real or personal property, for taking,
10 detaining, or converting personal property, for replevin of goods or
11 chattels, for any tortious injury to the rights of another not stated in
12 **[sections]** N.J.S.2A:14-2 and N.J.S.2A:14-3 **[of this Title]**, or for
13 recovery upon a contractual claim or liability, express or implied,
14 not under seal, or upon an account other than one which concerns
15 the trade or merchandise between merchant and merchant, their
16 factors, agents and servants, shall be commenced within 6 years
17 next after the cause of any such action shall have accrued.

18 This section shall not apply to any action for breach of any
19 contract for sale governed by **[section]** N.J.S.12A:2-725 **[of the**
20 **New Jersey Statutes]** or to any action for professional malpractice
21 against any of the persons listed in paragraph (1) or paragraph (2) of
22 subsection b. of this section.

23 b. An action for professional malpractice against any of the
24 following persons shall be commenced within two years next after
25 the cause of the action shall have accrued:

26 (1) Any person or entity who is licensed as:

27 (a) an accountant pursuant to P.L.1997, c.259 (C.45:2B-42 et
28 seq.);

29 (b) an architect pursuant to R.S.45:3-1 et seq.;

30 (c) an attorney admitted to practice law in New Jersey;

31 (d) a dentist pursuant to R.S.45:6-1 et seq.;

32 (e) an engineer pursuant to P.L.1938, c.342 (C.45:8-27 et seq.);

33 (f) a physician in the practice of medicine or surgery pursuant
34 to R.S.45:9-1 et seq.;

35 (g) a podiatrist pursuant to R.S.45:5-1 et seq.;

36 (h) a chiropractor pursuant to P.L.1989, c.153 (C.45:9-41.17 et
37 seq.);

38 (i) a registered professional nurse pursuant to P.L.1947, c.262
39 (C.45:11-23 et seq.) or an advanced practice nurse pursuant to
40 P.L.1991, c.377 (C.45:11-45 et seq.);

41 (j) a health care facility as defined in section 2 of P.L.1971,
42 c.136 (C.26:2H-2);

43 (k) a physical therapist pursuant to P.L.1983, c.296 (C.45:9-
44 37.11 et seq.);

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

- 1 (k) a physical therapist pursuant to P.L.1983, c.296 (C.45:9-
2 37.11 et seq.);
- 3 (l) a land surveyor pursuant to P.L.1938, c.342 (C.45:8-27 et
4 seq.);
- 5 (m) a registered pharmacist pursuant to P.L.2003, c. 280
6 (C.45:14-40 et seq.);
- 7 (n) a veterinarian pursuant to R.S. 45:16-1 et seq.;
- 8 (o) an insurance producer pursuant to P.L.2001, c.210
9 (C.17:22A-26 et seq.);
- 10 (p) a certified midwife, certified professional midwife, or
11 certified nurse midwife pursuant to R.S.45:10-1 et seq.; or
- 12 (q) any pharmacy practice site pursuant to P.L.2003, c.280
13 (C.45:14-40 et seq.);
- 14 These persons are also listed in section 1 of P.L.1995, c.139
15 (C.2A:53A-26), except for advanced practice nurses and pharmacy
16 practice sites. P.L.1995, c.139 requires plaintiffs in actions for
17 damages against these professionals to obtain an affidavit from
18 another professional with expertise in the area.
- 19 The bill also requires actions against contractors, subcontractors
20 or owners as defined in P.L.1993, c.318 (C.2A:44A-2) to be
21 brought within two years.
- 22 In addition, the bill provides that attorneys' fees could not be
23 awarded in any action against these professionals except where
24 authorized by statute or the New Jersey Rules of Court.