

ASSEMBLY, No. 2188

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1996

By Assemblymen DeCROCE and CHARLES

1 **AN ACT** concerning limitations on certain actions for damages and
2 amending P.L.1967, c.59.

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

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7 1. Section 1 of P.L.1967, c.59 (C.2A:14-1.1) is amended to read as
8 follows.

9 1. No action whether in contract, in tort, or otherwise to recover
10 damages for any deficiency in the design, planning, supervision or
11 construction of an improvement to real property, or for any injury to
12 property, real or personal or for an injury to the person, or for bodily
13 injury or wrongful death, arising out of the defective and unsafe
14 condition of an improvement to real property, nor any action for
15 contribution or indemnity for damages sustained on account of such
16 injury, shall be brought against any person performing or furnishing
17 the design, planning, supervision of construction or construction of
18 such improvement to real property, more than 10 years after the
19 performance or furnishing of such services and construction. This
20 limitation shall serve as a bar to all such claims, both governmental and
21 private but shall not apply to any person in actual possession and
22 control as owner, tenant, or otherwise, of the improvement at the time
23 the defective and unsafe condition of such improvement constitutes the
24 proximate cause of the injury or damage for which the action is
25 brought.

26 As used in this section the term "governmental" means the State, its
27 political subdivisions, any office, department, division, bureau, board,
28 commission or agency of the State or one of its political subdivisions,
29 and any public authority or public agency, including but not limited to,
30 the New Jersey Transit Corporation, the New Jersey Turnpike
31 Authority and the University of Medicine and Dentistry.

32 (cf: P.L.1967, c.59, s.1)

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

Matter underlined thus is new matter.

1 2. This act shall take effect immediately and shall be applicable to
2 all completed, pending and future improvements.

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STATEMENT

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7 This bill amends N.J.S.A.2A:14-1.1 to provide that that section of
8 law is applicable to all claims, both governmental and private. That
9 section provides that damages for design deficiency or for bodily injury
10 resulting from defective improvements to real property may not be
11 brought more than 10 years after the performance or furnishing of
12 such services and construction. The sponsor's intention is to clarify
13 that the original and continuing intent of the Legislature is that this
14 statute be applied equally to claims by both private citizens and public
15 agencies.

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20 Bars public and private claims for certain deficiencies in improvements
21 to real property after 10 years.