

P.L. 1997, CHAPTER 355, *approved January 15, 1998*
Assembly, No. 2188 (*Second Reprint*)

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

3

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

6

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

9 1. ²a.² No action whether in contract, in tort, or otherwise to
10 recover damages for any deficiency in the design, planning, supervision
11 or construction of an improvement to real property, or for any injury
12 to property, real or personal or for an injury to the person, or for
13 bodily 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 ¹[claims.] actions¹ both
21 governmental and private but shall not apply to ¹actions against¹ any
22 person in actual possession and control as owner, tenant, or otherwise,
23 of the improvement at the time the defective and unsafe condition of
24 such improvement constitutes the proximate cause of the injury or
25 damage for which the action is brought.

26 ²b. This section shall not bar an action by a governmental unit:

27 (1) on a written warranty, guaranty or other contract that expressly
28 provides for a longer effective period;

29 (2) based on willful misconduct, gross negligence or fraudulent
30 concealment in connection with performing or furnishing the design,
31 planning, supervision or construction of an improvement to real

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ATC committee amendments adopted September 16, 1996.

² Senate floor amendments adopted December 11, 1997.

1 property:

2 (3) under any environmental remediation law or pursuant to any
3 contract entered into by a governmental unit in carrying out its
4 responsibilities under any environmental remediation law; or

5 (4) pursuant to any contract for application, enclosure, removal or
6 encapsulation of asbestos.

7 c.² As used in this section ²[the term "governmental"] :

8 "Asbestos " shall have the meaning as defined in chapter 5A of Title
9 34 of the Revised Statutes (C.34:5A-34a) and any regulations adopted
10 pursuant thereto.

11 "Environmental remediation law" means chapter 10B of Title 58 of
12 the Revised States (C.58:10B-1 et seq.) and any regulations adopted
13 pursuant thereto.

14 "Governmental"² means the State, its political subdivisions, any
15 office, department, division, bureau, board, commission or ¹public
16 authority or public¹ agency of the State or one of its political
17 subdivisions, ¹[and any public authority or public agency.]¹ including
18 but not limited to, ¹[the New Jersey Transit Corporation, the New
19 Jersey Turnpike Authority and the University of Medicine and
20 Dentistry]a county or a municipality and any board, commission,
21 committee, authority or agency which is not a State board,
22 commission, committee, authority or agency¹.

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

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25 2. This act shall take effect immediately and shall ²[be applicable
26 to ¹any action arising out of or relating to¹ all completed, pending and
27 future improvements] apply to any cause of action which accrues after
28 the effective date of this act².

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