

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 58
Agriculture/Environment/Natural Resources Committee Substitute Adopted 3/5/13
Finance Committee Substitute Adopted 5/1/13
House Committee Substitute Favorable 6/24/14

Short Title: Clarify Statute of Repose.

(Public)

Sponsors:

Referred to:

February 6, 2013

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO SESSION LAW 2014-17.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 1 of S.L. 2014-17 reads as rewritten:

"**SECTION 1.** The General Assembly finds that prior to the United States Supreme Court ruling in *CTS Corp. v. Waldburger*, that there was ambiguity and uncertainty regarding the effect of federal law on the North Carolina statute of repose in certain environmental cases. The General Assembly finds that it was the intent of the ~~legislature~~ General Assembly to maximize under federal law the amount of time a claimant had to bring a claim predicated on exposure to a contaminant regulated by federal or State law. The General Assembly finds that the Supreme Court's decision is inconsistent with the ~~legislature's~~ General Assembly's intentions and the ~~legislature's~~ General Assembly's understanding of federal law at the time that certain actions were filed. The General Assembly finds that it never intended the statute of repose in G.S. 1-52(16) to apply to claims for latent disease caused or contributed to by groundwater contamination, or to claims for any latent harm caused or contributed to by groundwater contamination."

SECTION 1.(b) G.S. 130A-26.3, as enacted by Section 3 of S.L. 2014-17, reads as rewritten:

"**§ 130A-26.3 Limitations period for certain groundwater contamination actions.**

The 10-year period set forth in G.S. 1-52(16) shall not be construed to bar an action for personal injury, or property damages caused or contributed to by ~~the consumption, exposure, or use of water supplied from~~ groundwater contaminated by a hazardous substance, pollutant, or ~~contaminant.~~ contaminant, including personal injury or property damages resulting from the consumption, exposure, or use of water supplied from groundwater contaminated by a hazardous substance, pollutant, or contaminant. For purposes of this ~~subsection, section,~~ "contaminated by a hazardous substance, pollutant, or contaminant" means the concentration of the hazardous substance, pollutant, or contaminant exceeds a groundwater quality standard set forth in 15A NCAC 2L .0202."

SECTION 1.(c) Section 4 of S.L. 2014-17 reads as rewritten:

"**SECTION 4.** This act is effective when it becomes law and applies to actions ~~arising~~ filed, arising, or pending on or after that date. For purposes of this section, an action is pending for a plaintiff if there has been no final disposition with prejudice and mandate issued against that plaintiff issued by the highest court of competent jurisdiction where the claim was timely filed or appealed as to all the plaintiff's claims for relief to which this act otherwise applies.



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1 ~~This act expires on June 19, 2023, and is not effective for claims for relief brought on or after~~
2 ~~that date, but does not affect actions pending on that date.~~Nothing in this act is intended to
3 change existing law relating to product liability actions based upon disease."

4 **SECTION 2.** This act is effective when it becomes law.