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An Act To Amend the Discovery Rule Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §817 is enacted to read:

§ 817. Accrual of action in defective or unreasonably dangerous goods or products claim

In an action brought for damages resulting from defective or unreasonably dangerous goods or products pursuant to section 221, the cause of action accrues when the claimant suffers a personal injury sufficient to cause actual loss, damage or suffering.

When a defective good or product could not have reasonably been discovered by the claimant until a later triggering event, the cause of action accrues when the claimant knew or should have known of the defective good or product.

SUMMARY

This bill codifies the discovery rule for product liability cases to specify that the cause of action, for statute of limitation purposes, accrues when a person suffers a personal injury due to a defective product or good or, if the defect was not reasonably discoverable, when the person knew or should have known of the defective good or product.