

House Amendment 1188

PAG LIN

1 1 Amend House File 587 as follows:

1 2 #1. Page 1, by inserting before line 1, the

1 3 following:

1 4 1 5 to read as follows:

1 6 613.18 LIMITATION ON PRODUCTS LIABILITY OF

1 7 ~~NONMANUFACTURERS WHOLESALERS, RETAILERS, DISTRIBUTORS,~~

1 8 ~~AND SELLERS OF PRODUCTS.~~

1 9 1. A person who is not the assembler, designer, or
1 10 manufacturer, and who wholesales, retails,

1 11 distributes, or otherwise sells a product is:

1 12 a. Immune from any suit based upon strict

1 13 liability in tort or breach of implied warranty of

1 14 merchantability which arises solely from an alleged

1 15 defect in the original design or manufacture of the

1 16 product but only if the assembler, designer, or

1 17 manufacturer is either domiciled in the United States

1 18 or is subject to the jurisdiction of the courts of

1 19 this state and has not been judicially declared

1 20 insolvent.

1 21 b. Not liable for damages based upon strict

1 22 liability in tort or breach of implied warranty of

1 23 merchantability for the product upon proof that the

1 24 assembler, designer, or manufacturer is domiciled in

1 25 the United States or is subject to the jurisdiction of

1 26 the courts of this state and has not been judicially

1 27 declared insolvent.

1 28 2. A person who is a retailer of a product and who

1 29 assembles a product, such assembly having no causal

1 30 relationship to the injury from which the claim

1 31 arises, is not liable for damages based upon strict

1 32 liability in tort or breach of implied warranty of

1 33 merchantability which arises from an alleged defect in

1 34 the original design or manufacture of the product upon

1 35 proof that the assembler, designer, or manufacturer is

1 36 domiciled in the United States or is subject to the

1 37 jurisdiction of the courts of this state and has not

1 38 been judicially declared insolvent.

1 39 3. An action brought pursuant to this section,

1 40 where the claimant certifies that the assembler,

1 41 designer, or manufacturer of the product is not yet

1 42 identifiable, tolls the statute of limitations against

1 43 such assembler, designer, or manufacturer until such

1 44 time as discovery in the case has identified the

1 45 assembler, designer, or manufacturer.

1 46 4. Any person entitled to immunity or limited

1 47 liability under this section, who knowingly

1 48 misrepresents to the public that the product at issue

1 49 is assembled, designed, or manufactured in the United

1 50 States shall not be entitled to immunity or limited

2 1 liability.>

2 2 #2. By renumbering as necessary.

2 3

2 4

2 5

2 6 SWAIM of Davis

2 7 HF 587.502 80

2 8 rh/pj