

AN ACT concerning statute of limitations in certain actions and amending N.J.S.2A:14-2 and N.J.S.2A:31-3.

3151  
BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. N.J.S.2A:14-2 is amended to read as follows:

2A:14-2. a. ~~Every~~ Except as provided in subsections b. and c. of this section, every action at law for an injury to the person caused by the wrongful act, neglect or default of any person within this State shall be commenced within two years next after the cause of any such action shall have accrued~~;~~ ; except that an action by or on behalf of a minor that has accrued for medical malpractice for injuries sustained at birth shall be commenced prior to the minor's 13th birthday~~].~~

b. (1) An action by or on behalf of a minor that has accrued for medical malpractice for injuries sustained at birth shall be commenced prior to the minor's 13<sup>th</sup> birthday.

(2) In the event that an action by or on behalf of a minor that has accrued for medical malpractice for injuries sustained at birth is not commenced by the minor's parent or guardian prior to the minor's 12th birthday, the minor or a person 18 years of age or older designated by the minor to act on the minor's behalf may commence such an action. For this purpose, the minor or designated person may petition the court for the appointment of a guardian ad litem to act on the minor's behalf.

c. An action for damages for personal injury from mesothelioma related to exposure to asbestos may be commenced at any time. Such action shall be deemed to have accrued at the time of reasonable discovery of the injury and its causal relationship to the exposure to asbestos.

(cf: P.L.2004, c.17, s.3)

2. N.J.S.2A:31-3 is amended to read as follows:

2A:31-3 ~~Every~~ a. Except as provided in subsections b. and c., every action brought under this chapter shall be commenced within ~~[2]~~ [2] two years after the death of the decedent, and not thereafter~~],~~ provided, however, that if the death resulted from murder, aggravated manslaughter or manslaughter for which the defendant has been convicted, found not guilty by reason of insanity or adjudicated delinquent, the action may be brought at any time~~].~~

b. The provisions of subsection a. shall not apply to a cause of action for death which resulted from murder, aggravated manslaughter or manslaughter for which the defendant has been convicted, found not guilty by reason of insanity or adjudicated delinquent. Such action may be brought at any time.

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

Matter underlined thus is new matter.

c. The provisions of subsection a. shall not apply to a cause of action for death from mesothelioma related to exposure to asbestos. Such action may be brought at any time and shall be deemed to have accrued at the time of reasonable discovery of the injury and its causal relationship to the exposure to asbestos.  
(cf: P.L.2000, c.157, s.1)

3. This act shall take effect immediately.

#### STATEMENT

According to the American Cancer Society, mesothelioma is a rare and aggressive form of cancer which starts in the linings of certain parts of the body, especially the lungs, chest or abdomen. In the United States there are approximately 3,000 new cases diagnosed each year. Most cases are caused by exposure to asbestos particles.

Mesothelioma is difficult to detect and it can take years between exposure to asbestos and diagnosis. Mesothelioma can remain silent in the body for decades and then appear as a cough, shortness of breath or difficulty breathing. As a result some people with this illness may go years before being properly diagnosed.

Currently, the statute of limitations for personal injury and wrongful death actions is two years. This bill would eliminate the statute of limitations for civil actions for personal injury and wrongful death caused by mesothelioma and provide those aggrieved parties with the ability to bring their civil action at any time. Such action would be deemed to have accrued at the time of reasonable discovery of the injury and its causal relationship to exposure of asbestos.

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Eliminates statute of limitations for mesothelioma actions.