

ASSEMBLY, No. 2858

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 22, 2008

Sponsored by:

Assemblyman JOSEPH CRYAN

District 20 (Union)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Co-Sponsored by:

Assemblyman Diegnan

SYNOPSIS

Requires legal action against certain licensed persons to be brought within two years.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/16/2008)

1 AN ACT concerning limitations of civil actions and amending
2 N.J.S.2A:14-1

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

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

8 2A:14-1. a. Every action at law for trespass to real property, for
9 any tortious injury to real or personal property, for taking,
10 detaining, or converting personal property, for replevin of goods or
11 chattels, for any tortious injury to the rights of another not stated in
12 **[sections]** N.J.S.2A:14-2 and N.J.S.2A:14-3 **[of this Title]**, or for
13 recovery upon a contractual claim or liability, express or implied,
14 not under seal, or upon an account other than one which concerns
15 the trade or merchandise between merchant and merchant, their
16 factors, agents and servants, shall be commenced within 6 years
17 next after the cause of any such action shall have accrued.

18 This section shall not apply to any action for breach of any
19 contract for sale governed by **[section]** N.J.S.12A:2-725 **[of the**
20 **New Jersey Statutes]** or to any action subject to the requirements of
21 section 2 of P.L.1995, c.139 (C.2A:53A-27).

22 b. Notwithstanding the provisions of subsection a. of this
23 section, every action at law against licensed persons as defined by
24 section 1 of P.L.1995, c.139 (C.2A:53A-26) and which is subject to
25 the requirements of section 2 of P.L.1995, c.139 (C.2A:53A-27)
26 shall be commenced within two years next after the cause of the
27 action shall have occurred. Attorneys fees shall not be awarded in
28 any action subject to the limitations period in this subsection,
29 except where authorized by statute or the New Jersey Rules of
30 Court.

31 (cf: P.L.1961, c.121, s.1)

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33 2. This act shall take effect immediately.

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STATEMENT

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38 This bill reduces the statute of imitations period for certain
39 actions against professionals who are licensed persons as defined in
40 N.J.S.A.2A:53A-26.

41 Specifically, the bill amends current law to reduce the six year
42 limitations period to two years for actions against certain licensed
43 professionals.

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.

1 By establishing a two year statute of limitations for certain
2 claims, licensed professionals will be treated in the same manner as
3 health care providers subject to the two year statute limitations
4 period set forth in N.J.S.2A:14-2. A two year statute of limitations
5 period, moreover, will provide businesses offering professional
6 services to predict with greater certainty, potential liabilities and to
7 plan for such liabilities accordingly.

8 The bill also prohibits the award of attorney fees in an action
9 brought against a licensed professional pursuant to the bill, unless
10 they are authorized by statute or the Rules of Court.