

Union Calendar No. 311

103^D CONGRESS
2^D SESSION

S. 1458

[Report No. 103-525, Parts I and II]

AN ACT

To amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

JUNE 24, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1994

Referred jointly to the Committees on the Judiciary and Public Works and
Transportation

MAY 24, 1994

Reported from the Committee on Public Works and Transportation

JUNE 24, 1994

Reported from the Committee on the Judiciary with an amendment, commit-
ted to the Committee of the Whole House on the State of the Union, and
ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To amend the Federal Aviation Act of 1958 to establish
time limitations on certain civil actions against aircraft
manufacturers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “General Aviation Revi-
3 talization Act of 1994”.

4 **SEC. 2. TIME LIMITATION ON CIVIL ACTIONS AGAINST AIR-
5 CRAFT MANUFACTURERS.**

6 Title XI of the Federal Aviation Act of 1958 (49
7 U.S.C. App. 1510–1518) is amended by adding at the end
8 the following new section:

9 **“SEC. 1119. TIME LIMITATION ON CIVIL ACTIONS AGAINST
10 AIRCRAFT MANUFACTURERS.**

11 “(a) IN GENERAL.—Except as provided in subsection
12 (b) of this section, no civil action for damages for death
13 or injury to persons or damage to property arising out
14 of an accident involving a general aviation aircraft may
15 be brought against the manufacturer of the aircraft or the
16 manufacturer of any component, system, subassembly, or
17 other part of the aircraft, if the accident occurred—

18 “(1) more than 18 years after—

19 “(A) the date of delivery of the aircraft to
20 its first purchaser or lessee, if delivered directly
21 from the manufacturer; or

22 “(B) the date of first delivery of the air-
23 craft to a person engaged in the business of
24 selling or leasing such aircraft; or

25 “(2) with respect to any component, system,
26 subassembly, or other part which replaced another

1 product originally in, or which was added to, the air-
2 craft, and which is alleged to have caused the claim-
3 ant's damages, more than 18 years after the date of
4 the replacement or addition.

5 “(b) EXCEPTIONS.—Subsection (a) of this section
6 does not apply—

7 “(1) if the claimant pleads with specificity the
8 facts necessary to prove, and proves by clear and
9 convincing evidence that the manufacturer with re-
10 spect to certification or obligations with respect to
11 continuing airworthiness of an aircraft or aircraft
12 component knowingly misrepresented to the FAA, or
13 concealed or withheld from the FAA, required infor-
14 mation that is material and relevant to the perform-
15 ance or the maintenance or operation of such air-
16 craft or component that is causally related to the
17 harm which the claimant allegedly suffered;

18 “(2) if the person for whose injury or death the
19 claim is being made is a passenger for purposes of
20 receiving treatment for a medical or other emer-
21 gency; or

22 “(3) if the person for whose injury or death the
23 claim is being made was not aboard the aircraft at
24 the time of the accident.

1 “(c) GENERAL AVIATION AIRCRAFT DEFINED.—For
 2 the purposes of this section, the term ‘general aviation air-
 3 craft’ means any aircraft for which a type certificate or
 4 an airworthiness certificate has been issued by the Admin-
 5 istrator, which, at the time such certificate was originally
 6 issued, had a maximum seating capacity of fewer than 20
 7 passengers, and which was not, at the time of the accident,
 8 engaged in scheduled passenger carrying operations as de-
 9 fined under regulations issued under this Act.

10 “(d) RELATIONSHIP TO OTHER LAWS.—This section
 11 supersedes any Federal or State law to the extent that
 12 such law permits a civil action described in subsection (a)
 13 to be brought after the applicable deadline for such civil
 14 action established by subsection (a).”.

15 **SEC. 3. CONFORMING AMENDMENT.**

16 The table of contents contained in the first section
 17 of the Federal Aviation Act of 1958 is amended by adding
 18 at the end of the matter relating to title XI of such Act
 19 the following:

 “Sec. 1119. Time Limitation on Civil Actions Against Aircraft Manufacturers.

 “(a) In general.

 “(b) Exceptions.

 “(c) General aviation aircraft defined.

 “(d) Relationship to other laws.”.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “General Aviation Revi-*
 22 *talization Act of 1994”.*

1 **SEC. 2. TIME LIMITATIONS ON CIVIL ACTIONS AGAINST AIR-**
2 **CRAFT MANUFACTURERS.**

3 (a) *IN GENERAL.*—Except as provided in subsection
4 (b), no civil action for damages for death or injury to per-
5 sons or damage to property arising out of an accident in-
6 volving a general aviation aircraft may be brought against
7 the manufacturer of the aircraft or the manufacturer of any
8 new component, system, subassembly, or other part of the
9 aircraft, in its capacity as a manufacturer if the accident
10 occurred—

11 (1) after the applicable limitation period begin-
12 ning on—

13 (A) the date of delivery of the aircraft to its
14 first purchaser or lessee, if delivered directly
15 from the manufacturer; or

16 (B) the date of first delivery of the aircraft
17 to a person engaged in the business of selling or
18 leasing such aircraft; or

19 (2) with respect to any new component, system,
20 subassembly, or other part which replaced another
21 component, system, subassembly, or other part origi-
22 nally in, or which was added to, the aircraft, and
23 which is alleged to have caused such death, injury, or
24 damage, after the applicable limitation period begin-
25 ning on the date of completion of the replacement or
26 addition.

1 (b) *EXCEPTIONS.*—*Subsection (a) does not apply—*

2 (1) *if the claimant pleads with specificity the*
3 *facts necessary to prove, and proves, that the manu-*
4 *facturer with respect to a type certificate or air-*
5 *worthiness certificate for, or obligations with respect*
6 *to continuing airworthiness of, an aircraft or a com-*
7 *ponent, system, subassembly, or other part of an air-*
8 *craft knowingly misrepresented to the Federal Avia-*
9 *tion Administration, or concealed or withheld from*
10 *the Federal Aviation Administration, required infor-*
11 *mation that is material and relevant to the perform-*
12 *ance or the maintenance or operation of such aircraft,*
13 *or the component, system, subassembly, or other part,*
14 *that is causally related to the harm which the claim-*
15 *ant allegedly suffered;*

16 (2) *if the person for whose injury or death the*
17 *claim is being made is a passenger for purposes of re-*
18 *ceiving treatment for a medical or other emergency;*

19 (3) *if the person for whose injury or death the*
20 *claim is being made was not aboard the aircraft at*
21 *the time of the accident; or*

22 (4) *to an action brought under a written war-*
23 *ranty enforceable under law but for the operation of*
24 *this Act.*

1 (c) *GENERAL AVIATION AIRCRAFT DEFINED.*—For the
2 purposes of this Act, the term “general aviation aircraft”
3 means any aircraft for which a type certificate or an air-
4 worthiness certificate has been issued by the Administrator
5 of the Federal Aviation Administration, which, at the time
6 such certificate was originally issued, had a maximum seat-
7 ing capacity of fewer than 20 passengers, and which was
8 not, at the time of the accident, engaged in scheduled pas-
9 senger-carrying operations as defined under regulations in
10 effect under the Federal Aviation Act of 1958 (49 U.S.C.
11 App. 1301 et seq.) at the time of the accident.

12 (d) *RELATIONSHIP TO OTHER LAWS.*—This section su-
13 persedes any State law to the extent that such law permits
14 a civil action described in subsection (a) to be brought after
15 the applicable limitation period for such civil action estab-
16 lished by subsection (a).

17 **SEC. 3. OTHER DEFINITIONS.**

18 For purposes of this Act—

19 (1) the term “aircraft” has the meaning given
20 such term in section 101(5) of the Federal Aviation
21 Act of 1958 (49 U.S.C. 1301(5));

22 (2) the term “airworthiness certificate” means
23 an airworthiness certificate issued under section
24 603(c) of the Federal Aviation Act of 1958 (49 U.S.C.
25 1423(c)) or under any predecessor Federal statute;

1 (3) the term “limitation period” means—

2 (A) 15 years with respect to piston-powered
3 general aviation aircraft and the components,
4 systems, subassemblies, and other parts of such
5 aircraft;

6 (B) 18 years with respect to turboprop-pow-
7 ered general aviation aircraft and the compo-
8 nents, systems, subassemblies, and other parts of
9 such aircraft; and

10 (C) 22 years with respect to other general
11 aviation aircraft (including jet-powered general
12 aviation aircraft) and the components, systems,
13 subassemblies, and other parts of such aircraft;
14 and

15 (4) the term “type certificate” means a type cer-
16 tificate issued under section 603(a) of the Federal
17 Aviation Act of 1958 (49 U.S.C. 1423(a)) or under
18 any predecessor Federal statute.

19 **SEC. 4. EFFECTIVE DATE; APPLICATION OF ACT.**

20 (a) *EFFECTIVE DATE.*—Except as provided in sub-
21 section (b), this Act shall take effect on the date of the enact-
22 ment of this Act.

1 **(b) APPLICATION OF ACT.**—*This Act shall not apply*
2 *with respect to civil actions commenced before the date of*
3 *the enactment of this Act.*

Passed the Senate March 16 (legislative day, February 22), 1994.

Attest:

WALTER J. STEWART,

Secretary.