

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative D. Wood

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A Bill

HOUSE BILL

1275

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH TIME LIMITATIONS ON CERTAIN CIVIL
9 ACTIONS AGAINST AVIATION MANUFACTURERS OF AIRCRAFT
10 COMPONENTS, SYSTEMS, SUBASSEMBLIES, AND PARTS, AGAINST
11 AIRCRAFT COMPONENT REBUILDERS AND AIRCRAFT MODIFIERS AND
12 AGAINST AIRCRAFT MECHANICS; AND FOR OTHER PURPOSES."

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Subtitle

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. With the passage of the General Aviation Revitalization Act
23 of 1994 by the 103rd U.S. Congress, the statute of limitations for products
24 liability claims against general aviation aircraft manufacturers was limited
25 to eighteen (18) years after the manufacture of the aircraft. This law is
26 predicted, on a national scale, to encourage a revival of the U.S. domestic
27 general aviation manufacturing industry and its related parts manufacturing
28 industries. It is the purpose of this act to provide similar protection to
29 the general aviation-related manufacturers and general aviation maintenance
30 and repair facilities in Arkansas.

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32 SECTION 2. As used in this act, unless the context otherwise requires:

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(1) "aircraft" means any contrivance now known or hereafter invented,
used, or designed for navigation of or flight in the air.

(2) "aircraft engine" means an engine used, or intended to be used, for

1 propulsion of aircraft and includes all parts, appurtenances, and accessories
2 thereof other than propellers.

3 (3) "components" means instruments, equipment, apparatus, parts,
4 appurtenances, or accessories which are used, or are capable of being or
5 intended to be used, in the operation, navigation, or control of aircraft
6 (including communication equipment and any other mechanism or mechanisms
7 installed or attached to aircraft), including a part or parts of the
8 aircraft, aircraft engines, and propellers.

9 (4) "general aviation aircraft" means any aircraft for which a type of
10 certificate or an airworthiness certificate has been issued by the Federal
11 Aviation Administration, which at the time the certificate was originally
12 issued, had a maximum seating capacity of fewer than twenty (20) passengers
13 and which was not, at the time of the accident, engaged in scheduled
14 passenger-carrying operations as defined under regulations in effect under
15 the Federal Aviation Act of 1958, (49 U.S.C. App. 1301 et seq.) at the time
16 of the accident.

17 (5) "mechanic" means any individual who is directly in charge of the
18 inspection, maintenance, overhauling, or repair of aircraft, aircraft
19 engines, propellers, or appliances and who is certified by the Federal
20 Aviation Administration.

21 (6) "aircraft modification or renovation" means the complete overhaul,
22 removal, and replacement of all equipment and components in the interior of
23 an existing aircraft and replacement with new or rebuilt or reconditioned
24 aircraft components, equipment or subassemblies.

25 (7) "propeller" means the device generally attached to the aircraft
26 engine, either directly or through some drive mechanism, and used to generate
27 thrust to propel the aircraft and includes all parts, appurtenances, and
28 accessories thereof.

29 (8) "parts" means parts, appurtenances, and accessories of aircraft
30 (other than aircraft engines and propellers), of aircraft engines (other than
31 propellers), of propellers and of appliances, maintained for installation or
32 use in an aircraft, aircraft engine, propeller, or components.

33 (9) "subassembly" or "system" means any part or separately manufactured
34 unit of an aircraft which is installed as a complete unit within the aircraft
35 during the aviation manufacturing process.

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SECTION 3. (a) No civil action for damages for death or injury to persons or damage to property arising out of an accident involving a general aviation aircraft may be brought against the manufacturer of an aircraft component, system, subassembly, or other part of the aircraft in its capacity as a manufacturer of the component, system, subassembly, or part, if the accident occurred more than ten (10) years after:

(1) the date of delivery of the aircraft to its first purchaser or lessee, if the aircraft was delivered directly to the purchaser or lessee from the aircraft manufacturer; or

(2) the date of first delivery of the aircraft to a person engaged in the business of selling or leasing the aircraft; or

(3) with respect to any new component, system, subassembly, or other part which is used to replace another component, system, subassembly, or part originally in, or which was added to, the aircraft and which is alleged to have caused the death, injury or damage, the date of the completion of the replacement or addition of the new component, system, subassembly, or other part.

(b) No civil action for damages for death or injury to persons or damage to property arising out of an accident involving a general aviation aircraft may be brought against any person or business entity performing component rebuilding and aircraft modifications and renovations on an aircraft or an aircraft component, system, or subassembly, if the accident occurred more than five (5) years after the date of completion of the component rebuilding or the aircraft modification and renovation for the person who purchased or contracted for the rebuilding or for the modification and renovation of the aircraft.

(c) No civil action for damages for death or injury to persons or damage to property arising out of an accident involving a general aviation aircraft may be brought against the aircraft mechanic or his employer for the repair or maintenance of an aircraft or an aircraft component, system, or subassembly, if the accident occurred more than three (3) years after the date of completion of the repair or maintenance of the aircraft for the person who purchased or contracted for the repair or maintenance of the aircraft.

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SECTION 4. The limitations of Section 3 shall not apply:

(1) if the person for whose injury or death claim is being made was not aboard the aircraft at the time of the accident;

(2) to an action brought under a written warranty enforceable under law but for the provisions of this act; or

(3) to any act of willful or wanton conduct.

SECTION 5. All provisions of this act of general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

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