

# ASSEMBLY, No. 3929

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 5, 2011

**Sponsored by:**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**Assemblyman CHARLES MAINOR**

**District 31 (Hudson)**

**Assemblywoman AMY H. HANDLIN**

**District 13 (Middlesex and Monmouth)**

**SYNOPSIS**

Requires certain civil actions against certain licensed persons to be brought within two years.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/9/2011)**

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

3

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 for professional malpractice  
21 against any of the persons listed in paragraph (1) or paragraph (2) of  
22 subsection b. of this section.

23 b. An action for professional malpractice against any of the  
24 following persons shall be commenced within two years next after  
25 the cause of the action shall have accrued:

26 (1) Any person who is licensed as:

27 (a) an accountant pursuant to P.L.1997, c.259 (C.45:2B-42 et  
28 seq.);

29 (b) an architect pursuant to R.S.45:3-1 et seq.;

30 (c) an attorney admitted to practice law in New Jersey;

31 (d) a dentist pursuant to R.S.45:6-1 et seq.;

32 (e) an engineer pursuant to P.L.1938, c.342 (C.45:8-27 et seq.);

33 (f) a physician in the practice of medicine or surgery pursuant  
34 to R.S.45:9-1 et seq.;

35 (g) a podiatrist pursuant to R.S.45:5-1 et seq.;

36 (h) a chiropractor pursuant to P.L.1989, c.153 (C.45:9-41.17 et  
37 seq.);

38 (i) a registered professional nurse pursuant to P.L.1947, c.262  
39 (C.45:11-23 et seq.) or an advanced practice nurse pursuant to  
40 P.L.1991, c.377 (C.45:11-45 et seq.);

41 (j) a health care facility as defined in section 2 of P.L.1971,  
42 c.136 (C.26:2H-2);

43 (k) a physical therapist pursuant to P.L.1983, c.296 (C.45:9-  
44 37.11 et seq.);

**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       (l) a land surveyor pursuant to P.L.1938, c.342 (C.45:8-27 et  
2 seq.);

3       (m) a registered pharmacist pursuant to P.L.2003, c.280  
4 (C.45:14-40 et seq.);

5       (n) a veterinarian pursuant to R.S.45:16-1 et seq.;

6       (o) an insurance producer pursuant to P.L.2001, c.210  
7 (C.17:22A-26 et seq.);

8       (p) a certified midwife, certified professional midwife, or  
9 certified nurse midwife pursuant to R.S.45:10-1 et seq.; or

10       (2) any contractor, subcontractor or owner as defined in  
11 P.L.1993, c.318 (C.2A:44A-2).

12       (3) Attorneys' fees shall not be awarded in any action subject to  
13 the limitations period in this subsection, except where authorized by  
14 statute or the New Jersey Rules of Court.

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

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17       2. This act shall take effect immediately.

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STATEMENT

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22       This bill shortens the statute of limitations period for malpractice  
23 actions against certain licensed persons. Currently, N.J.S.A.2A:14-  
24 1 provides that certain civil actions must be brought within six  
25 years after the cause of action accrues. Under the bill, actions for  
26 professional malpractice against any of the persons listed below  
27 would be required to be brought within two years:

28       Any person who is licensed as:

29       (a) an accountant pursuant to P.L.1997, c.259 (C.45:2B-42 et  
30 seq.);

31       (b) an architect pursuant to R.S.45:3-1 et seq.;

32       (c) an attorney admitted to practice law in New Jersey;

33       (d) a dentist pursuant to R.S.45:6-1 et seq.;

34       (e) an engineer pursuant to P.L.1938, c.342 (C.45:8-27 et seq.);

35       (f) a physician in the practice of medicine or surgery pursuant  
36 to R.S.45:9-1 et seq.;

37       (g) a podiatrist pursuant to R.S.45:5-1 et seq.;

38       (h) a chiropractor pursuant to P.L.1989, c.153 (C.45:9-41.17 et  
39 seq.);

40       (i) a registered professional nurse pursuant to P.L.1947, c.262  
41 (C.45:11-23 et seq.) or an advanced practice nurse pursuant to  
42 P.L.1991, c.377 (C.45:11-45 et seq.);

43       (j) a health care facility as defined in section 2 of P.L.1971,  
44 c.136 (C.26:2H-2);

45       (k) a physical therapist pursuant to P.L.1983, c.296 (C.45:9-  
46 37.11 et seq.);

47       (l) a land surveyor pursuant to P.L.1938, c.342 (C.45:8-27 et  
48 seq.);

1 (m) a registered pharmacist pursuant to P.L.2003, c. 280  
2 (C.45:14-40 et seq.);

3 (n) a veterinarian pursuant to R.S. 45:16-1 et seq.;

4 (o) an insurance producer pursuant to P.L.2001, c.210  
5 (C.17:22A-26 et seq.); or

6 (p) a certified midwife, certified professional midwife, or  
7 certified nurse midwife pursuant to R.S.45:10-1 et seq.

8 These persons are also listed in section 1 of P.L.1995, c.139  
9 (C.2A:53A-26) except for advanced practice nurses. P.L.1995,  
10 c.139 requires plaintiffs in actions for damages against these  
11 professionals to obtain an affidavit from another professional with  
12 expertise in the area.

13 The bill also requires actions against contractors, subcontractors  
14 or owners as defined in P.L.1993, c.318 (C.2A:44A-2) to be  
15 brought within two years.

16 In addition, the bill provides that attorneys' fees could not be  
17 awarded in any action against these professionals except where  
18 authorized by statute or the New Jersey Rules of Court.