

# ASSEMBLY, No. 4880

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 15, 2019

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



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 for professional malpractice  
21 against any of the persons listed in subsection b. of this section.

22 b. (1) An action for professional malpractice against any of the  
23 following persons shall be commenced within two years next after  
24 the cause of the action shall have accrued:

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

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

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

29 (d) an engineer licensed pursuant to P.L.1938, c.342 (C.45:8-27  
30 et seq.); or

31 (e) a land surveyor pursuant to P.L.1938, c.342 (C.45:8-27 et  
32 seq.).

33 (2) Attorneys' fees shall not be awarded in any action subject to  
34 the limitations period in this subsection except where authorized by  
35 statute or the Rules Governing the Courts of the State of New  
36 Jersey.

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

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39 2. This act shall take effect immediately.

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#### STATEMENT

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44 This bill shortens the statute of limitations for malpractice  
45 actions against certain licensed persons.

**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       Currently, N.J.S.A.2A:14-1 provides that certain civil actions  
2 must be brought within six years after the cause of action accrues.  
3 Under the bill, actions for professional malpractice against any of  
4 the persons listed below would be required to be brought within two  
5 years after the cause of action accrues:

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

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

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

10       (d) an engineer licensed pursuant to P.L.1938, c.342 (C.45:8-27  
11 et seq.); or

12       (e) a land surveyor pursuant to P.L.1938, c.342 (C.45:8-27 et  
13 seq.).

14       The bill provides that attorneys' fees could not be awarded in  
15 any action against these professionals except where authorized by  
16 statute or the Rules Governing the Courts of the State of New  
17 Jersey.