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From: Maureen Chlebek <mchlebek@bowman.com>
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To: House Judiciary Committee
Subject: Opposition to House Bill 8318

Follow Up Flag: Follow up
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The Honorable Robert E. Craven, Chair House Judiciary Committee and Committee Members

Dear Chair and Members of the Committee:

Bowman strongly opposes the passage of House Bill 8318 entitled: An Act relating to Courts and Civil Procedure – Procedure Generally – Causes of Action. We oppose this bill for the following reasons:

1. ***Precedence and legal certainty.*** Under current RI law the outside limit to bring a claim is ten (10) years from substantial completion of a project. This proposed bill increases that period and provides that claims may be brought ten (10) years from the date of discovery up to 2033 which in some cases doubles the amount of time to bring a claim up to close to twenty (20) years after the project is complete.
2. ***Retroactive change in the law.*** The current statute has been in effect since 1975 and upheld and enforced by the Rhode Island Supreme court in numerous cases because the court found it balances parties need to seek redress for damages with the need for legal certainty and finality. Retroactively changing the law for a sole project creates the uncertainty that the statute of limitations and repose will change depending on current circumstances.
3. ***Impact on liability effecting insurance and insurability.*** Insurance companies base policy premiums and insurability on exposure under the law. Doubling the time of exposure will lead to increased insurance premiums and the potential for insurers to not provide coverage given the exposure. Some claims under the new ten (10) year window may result in some firms having no insurance coverage for claims especially with tail insurance.
4. ***Fundamental Fairness.*** The current statute of repose was enacted to prevent stale claims from being filed because with time, memories fade, witnesses die or become unavailable, evidence is lost and defects and issues can be the result of normal wear and tear and use of a structure. Because of this, 46 states have similar statutes of repose. Rhode Island's current statute is longer than most states already.

For these reasons, Bowman strongly opposes passage of House Bill 8318 and we strongly urge you to not move forward with this bill. Thank you for considering of our position.

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