

House Bill 8318

Re: Opposition to House Bill 8318

The Honorable Robert E. Craven, Chair House Judiciary Committee and Committee Members

Dear Sir and Members of the Committee:

AECOM 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 as it 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 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 RI 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 the claim especially in the event of tail insurance.
4. **Fundamental Fairness.** The current statute of repose was enacted to prevent the stale claims from being filed because with time, memories fade, witnesses die or are unavailable, evidence is lost and defects and deficiencies can be the result of normal wear and tear and use of a structure. Because of this, 48 states have similar statute of repose. Rhode Island current statute is longer than most states already.

For these reasons, AECOM 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.