

WILLIAM DONALD SCHAEFER, Governor

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1990.

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May 25, 1990

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
State House  
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 500.

Maryland's Statute of Repose, enacted in 1970, prevents lawsuits for "wrongful death, personal injury, or injury to real or personal property" resulting from the "defective and unsafe condition of an improvement to real property (that) occurs more than 20 years after the date the entire improvement first becomes available for its intended use". The law sets a time period within which all suits for recovery for these injuries must be filed.

Recent Maryland trial court decisions and one federal district court decision appeared to apply the protection of the Statute of Repose to manufacturers and suppliers of asbestos products included as improvements to real property. If these decisions were upheld on appeal, for buildings more than 20 years old, these decisions could bar claims by individuals for personal injury or wrongful death, and by building owners for property damages, such as the cost of asbestos removal.

With this background, Senate Bill 500 was introduced and passed to retroactively limit the protection of the Statute of Repose in suits against manufacturers. Persons who suffered wrongful death or personal injury from a latent or occupational disease or injury, or from asbestos would be able to sue regardless of the 20-year limit. Persons who sustained injury to real or personal property would also be able to sue for damages. In many instances, these people would be able to sue suppliers.

I have heard from many individuals, organizations, associations, businesses, and government officials urging me to either sign or veto Senate Bill 500. I am especially aware of the pain and heartbreak of those individuals who have asbestosis or know or are related to someone who has the disease. Asbestosis is a debilitating disease, often taking a long period to manifest itself, and there is substantial evidence that manufacturers knew 40 or 50 years ago that asbestos was a dangerous material. I also know that the cost of asbestos removal is in the millions, and that local governments, school systems, and the State itself could possibly benefit if the Statute of Repose did not limit lawsuits from being filed 20 years after a building was completed.