TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 103 - COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY
SUBCHAPTER III - MISCELLANEOUS PROVISIONS

§ 9658. Actions under State law for damages from exposure to hazardous substances

(a) State statutes of limitations for hazardous substance cases
   (1) Exception to State statutes
       In the case of any action brought under State law for personal injury, or property damages, which are caused or contributed to by exposure to any hazardous substance, or pollutant or contaminant, released into the environment from a facility, if the applicable limitations period for such action (as specified in the State statute of limitations or under common law) provides a commencement date which is earlier than the federally required commencement date, such period shall commence at the federally required commencement date in lieu of the date specified in such State statute.
   (2) State law generally applicable
       Except as provided in paragraph (1), the statute of limitations established under State law shall apply in all actions brought under State law for personal injury, or property damages, which are caused or contributed to by exposure to any hazardous substance, or pollutant or contaminant, released into the environment from a facility.
   (3) Actions under section 9607
       Nothing in this section shall apply with respect to any cause of action brought under section 9607 of this title.

(b) Definitions

As used in this section—
   (1) Subchapter I terms
       The terms used in this section shall have the same meaning as when used in subchapter I of this chapter.
   (2) Applicable limitations period
       The term “applicable limitations period” means the period specified in a statute of limitations during which a civil action referred to in subsection (a)(1) of this section may be brought.
   (3) Commencement date
       The term “commencement date” means the date specified in a statute of limitations as the beginning of the applicable limitations period.
   (4) Federally required commencement date
       (A) In general
           Except as provided in subparagraph (B), the term “federally required commencement date” means the date the plaintiff knew (or reasonably should have known) that the personal injury or property damages referred to in subsection (a)(1) of this section were caused or contributed to by the hazardous substance or pollutant or contaminant concerned.
       (B) Special rules
           In the case of a minor or incompetent plaintiff, the term “federally required commencement date” means the later of the date referred to in subparagraph (A) or the following:
               (i) In the case of a minor, the date on which the minor reaches the age of majority, as determined by State law, or has a legal representative appointed.
(ii) In the case of an incompetent individual, the date on which such individual becomes competent or has had a legal representative appointed.


**Effective Date**

Section 203(b) of Pub. L. 99–499 provided that: “The amendment made by subsection (a) of this section [enacting this section] shall take effect with respect to actions brought after December 11, 1980.”