

Statutes of Repose

Alabama

- Pursuant to Ala. Code §6-5-221, all civil actions against an architect, engineer, or builder must be brought within **two years** after the cause of action accrues. No relief can be granted on any cause of action which accrues or would have accrued more than **seven years** after the substantial completion of construction and any right of action which accrues or would have accrued more than **seven years** after substantial completion is barred.
- The statute of repose provides exceptions if prior to the expiration of the seven-year period the architect, engineer, or builder had knowledge that a defect or deficiency existed and failed to disclose the defect to the person with whom the architect, engineer, or builder contracted to perform services. See Ala. Code §6-5-225 for discussion of legislative finds and purpose of statute of repose.

Alaska

- According to Alaska Stat. §09.10.055, the statute of repose is **ten years** after the earlier of the date of substantial completion or the last act alleged to have caused the injury, but there are exceptions when the statute of repose does not apply.

Arizona

- The statute of repose in Arizona is **eight years** after substantial completion of the improvement to real property. Ariz. Rev. Stat. §12-552
- If the injury occurred during the eighth year after substantial completion, or, in the case of a latent defect, was not discovered until the eighth year after substantial completion, an action may be brought within one year after the date on which the injury occurred or a latent defect was discovered, but in no event may an action be brought more than **nine years** after substantial completion. Ariz. Rev. Stat. §12-552.

Arkansas

- All contract actions to recover damages caused by any deficiency in the design, planning, supervision, or observation of construction or for injury to real or personal property caused by such deficiency must be brought within **five years** after substantial completion. Ark. Code Ann. §16-56-112(a).
- Actions in tort or contract to recover damages for personal injury or wrongful death caused by any deficiency in the design, planning, supervision, or observation or construction must be initiated within **four years** after substantial completion. Ark. Code Ann. §16-56-112(b)(1).
- In the case of personal injury or wrongful death which occurred during the third year after substantial completion, the action may be brought within one year after the injury, irrespective of the date of death, but in no event shall

an action be brought more than **five years** after substantial completion. Ark. Code Ann. §16-56-112(b)(2).

California

- The California statute of repose is governed by Cal. Civ. Proc. §337.1 for patent defects and Cal. Civ. Proc. §337.15 for latent defects.
- Pursuant to Cal. Civ. Proc. §337.1, no action may be brought to recover damages more than **four years** after substantial completion for injuries to property or person resulting from patent deficiency. If the injury to property or the person occurs during the fourth year after substantial completion due to a patent defect, the complainant has one year after the date of the injury to bring an action, but in no event may the action be brought more than **five years** after substantial completion. Cal. Civ. Proc. §337.1(b).
- Pursuant to Cal. Civ. Proc. §337.15, no action may be brought to recover damages more than **ten years** after substantial completion for injuries to property or person due to latent deficiency.

Colorado

- Pursuant to Colo. Rev. Stat. §13-80-104, the statute of repose in Colorado is **six years** after substantial completion.
- If the cause of action arises during the fifth or sixth year after substantial completion, the action may be brought within **two years** after the date upon the cause of action arises. Colo. Rev. Stat. §13-80-104(2).

Connecticut

- Pursuant to Conn. Gen. Stat. §52-584a, the statute of repose governing actions against design professionals is **seven years** after substantial completion.
- If injury occurs in the seventh year after substantial completion, an action may be brought within one year after the date on which the injury occurred, but in no event may an action be brought more than **eight years** after substantial completion. Conn. Gen. Stat. §52-584a(b).
- *But see, State of Connecticut v. Lombardo Brothers Mason Contractors, Inc., et al.*, 307 Conn. 412, 54 A.3d 1005 (2012), where Supreme Court of Connecticut applied the doctrine of *nullum tempus occurrit regi* (meaning “no time runs against the King” in Latin), thereby allowing the State of Connecticut to maintain its lawsuit in connection with the design and construction of a law school library, despite the fact that the statutes of repose and limitations had seemingly expired.

Delaware

- The statute of repose for contracts and negligence in Delaware is **six years** from the earliest of several possible dates, including: the purported completion date of the work; the date when the statute of limitations begins to run; the date when payment has been received; substantial completion;

the date when the improvement has been accepted; or, in the case of personal injuries, the date when it is claimed that the alleged injuries were sustained. 10 Del. C. §8127.

District of Columbia

- Pursuant to D.C. Code §12-310, actions to recover damages for personal injury, wrongful death, or injury to real or personal property are barred unless the injury occurs within the **ten-year** period from the date of substantial completion, or in the case where death is the basis of the action, the death or the injury resulting in the death occurs within the ten-year period.

Florida

- The statute of repose in Florida is **ten years** after the date of actual possession by the owner, the date of issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of completion or termination of the contract between the design professional and its employer, whichever date is latest. Fla. Stat. §95.11(3)(c).

Georgia

- Pursuant to O.C.G.A. §9-3-51, the statute of repose is **eight years** after substantial completion.
- In the case of injury to property or person or injury causing wrongful death, when the injury occurred during the seventh or eighth year after substantial completion, an action may be brought within two years after the date of the injury, irrespective of the date of death, but in no event shall such an action be brought more than **ten years** after substantial completion. O.C.G.A. §9-3-51(b).

Hawaii

- Pursuant to HRS §657-8, no action to recover damages for any injury to property, bodily injury, or wrongful death arising out of any deficiency or neglect in connection with improvement to real property shall be commenced more than **two years** after the cause of action accrues, but in any event not more than **ten years** after the date of completion of the improvement to real property.

Idaho

- The Idaho statute of repose is governed by Idaho Code §5-241.
- Tort actions accrue and the statute of limitations will begin to run **six years** after the final completion of construction of an improvement. Idaho Code §5-241(a).
- Contract actions will accrue and the applicable limitation statute begin to run upon final completion of construction of an improvement. Idaho Code §5-241(b).

Illinois

- The Illinois statute of repose for a claim against any individual, business or legal entity for an act or omission in the design and construction of an improvement to real property is **ten years** from the time of such act or omission. 735 ILCS 5/13-214(b).
- Any complainant who discovers such act or omission prior to the expiration of ten years from the time of such act or omission shall in no event have less than **four years** to bring an action as provided in 735 ILCS 5/13-214(a).

Indiana

- Pursuant to Burns Ind. Code Ann. §32-30-1-5, the statute of repose is the earlier of **ten years** after the date of substantial completion of the improvement or **twelve years** after the completion and submission of plans and specification to the owner if the action is for a deficiency in the design in the improvement.
- Pursuant to Burns Ind. Code Ann. §32-30-1-6, if an injury to or wrongful death occurs during the ninth or tenth year after substantial completion, an action may be brought within two years after the date of the injury, irrespective of the date of death; however, an action may not be brought more than **twelve years** after substantial completion or **fourteen years** after completion and submission of plans and specifications to the owner.

Iowa

- Pursuant to Iowa Code §614.1(11), an action arising out of the improvement to real property based on tort and implied warranty and for contribution and indemnity, and founded on injury to property or injury to person or wrongful death, shall not be brought more than **fifteen years** after the date of the act or omission of the defendant alleged to have been the cause of the injury or death.

Kansas

- Pursuant to K.S.A. §60-513, the statute of repose for negligence actions is **ten years** beyond the time of the act giving rise to the cause of action. K.S.A. §60-513(b).

Kentucky

- Kentucky has established a one-year period to bring a cause of action based on professional service malpractice. Pursuant to KRS §413.245, a civil action, whether brought in tort or contract, arising out of any act or omission in rendering, or failing to render professional services shall be brought within **one year** from the date of the occurrence or from the date when the cause of action was, or reasonably should have been, discovered by the injured party.

- No action to recover damages arising out of any deficiency in the construction components, design, planning, supervision, inspection, or construction of any improvement to real property shall be brought after **seven years** following substantial completion of the improvement. KRS §413.135(1).
- If the injury occurred during the seventh year after substantial completion, an action to recover damages may be brought within one year from the date the injury occurred, but in no event more than **eight years** after substantial completion. KRS §413.135(2).

Louisiana

- Louisiana refers to statutes of repose as “peremption” periods. Peremption is a period of time fixed by law for the existence of a right, that unless timely exercised, is extinguished upon the expiration of the preemptive period. La. C.C. Art. 3458. Peremption may not be renounced, interrupted, or suspended. La. C.C. Art. 3461.
- The preemptive period for actions involving deficiencies in surveying, design, supervision, or construction of immovables or improvements thereon is **five years** after the date of registry in the mortgage office of acceptance of the work by the owner, or, if no such acceptance is recorded within six months from the date the owner has occupied or taken possession of the improvement, more than **five years** after the owner’s occupation of the improvement. La. R.S. §9:2772.
- If an injury occurs during the fifth year of registry or occupation, an action may be brought within one year after the date of injury, but in no event more than **six years**. La. R.S. §9:2772(C).

Maine

- The statute of repose is **ten years** after substantial completion of the construction contract or the substantial completion of the services provided, if a construction contract is not involved. 14 M.R.S. § 752-A.

Maryland

- All claims against architects, professional engineers, or contractors resulting from the defective and unsafe condition of an improvement to real property must be brought within **ten years** of the date the entire improvement first became available for its intended use. Md. Code. Ann., Cts. & Jud. Proc. §5-108(b).
- The cause of action against an architect, professional engineer, or contractor must be filed within **three years** of accrual. Md. Code. Ann., Cts. & Jud. Proc. §5-108(c). A cause of action accrues when the injury or damage occurs. Md. Code. Ann., Cts. & Jud. Proc. §5-108(e).

Massachusetts

- Pursuant to M.G.L. ch. 260, §2B, actions of tort for damages arising out of a deficiency or negligence in the design, planning, construction or general

administration of an improvement to real property must be commenced within **three years** after the cause of action accrues; however, in no event shall such action be commenced more than **six years** after the earlier of either the opening of the improvement for use or substantial completion and taking of possession for occupancy by the owner.

Michigan

- No action may be made against a licensed architect, professional engineer, or contractor for injury to real or personal property or bodily injury more than **six years** after the time of occupancy of the completed improvement, use or acceptance of the improvement, or **one year** after the defect is discovered or should have been discovered, provided the defect is the proximate cause of the injury and is the result of gross negligence on the part of the architect, engineer, or contractor. However, no action shall be maintained more than **ten years** after the time of occupancy of the completed improvement, use or acceptance of the improvement. Mich. Comp. Laws §600.5839(1).
- No action may be made to recover damages based on error or negligence of a state licensed land surveyor in the preparation of a survey more than **six years** after the delivery of the survey. Mich. Comp. Laws §600.5839(2).

Minnesota

- The Minnesota statute of limitations and statute of repose for improvements to real property is governed by Minn. Stat. §541.051.
- No action in contract or tort to recover damages for injury to property or for bodily injury shall be brought against a design professional or contractor more than **two years** after discovery of the injury and no cause of action shall accrue more than **ten years** after substantial completion. Minn. Stat. §541.051, Subd. 1(a); See also, Minn. Stat. §541.052 for time limits for land surveyors.
- If a cause of action accrues during the ninth or tenth year after substantial completion, an action to recover damages may be brought within two years after the date of accrual, but in no event may such an action be brought more than **twelve years** after substantial completion. Minn. Stat. §541.051, Subd. 2; See also, Minn. Stat. §541.052 for time limits for land surveyors.

Mississippi

- Pursuant to Miss. Code Ann. §15-1-41, the statute of repose is **six years** after written acceptance or actual occupancy or use, whichever occurs first, of such improvement by the owner.

Missouri

- The statute of repose for actions to recover damages for economic loss, personal injury, property damage or wrongful death against architects, engineers or builders is **ten years** from the date on which the improvement to property is completed. Mo. Rev. Stat. §516.097.

- Except where fraud is involved, no action to recover damages for an error or omission in the survey of land may be brought against the surveyor more than **five years** after the discovery of the error or omission. Mo. Rev. Stat. §516.098.

Montana

- An action to recover damages (other than an action upon any contract, obligation, or liability founded upon an instrument in writing) may not be commenced more than **ten years** after completion of the improvement or land surveying. Mont. Code Ann. §27-2-208(1).
- An action for damages for injury that occurred during the tenth year after the completion of the improvement or land surveying may be commenced within **one year** after the occurrence of the injury. Mont. Code Ann. §27-2-208(2).

Nebraska

- Neb. Rev. Stat. §25-223 provides that any action to recover damages based on alleged breach of warranty or alleged deficiency of an improvement to real property must be brought within **four years** after the alleged act or omission constituting the breach of warranty or deficiency.
- If the cause of action is not discovered and could not reasonably be discovered within the four-year period, or within one year before the expiration of the four-year period, then the cause of action may be commenced within **two years** from the date of discovery or from the date of discovery of facts that would reasonably lead to such discovery, whichever is earlier. Neb. Rev. Stat. §25-223
- In no event may an action be brought to recover damages more than **ten years** after the date of the act giving rise to the cause of action. Neb. Rev. Stat. §25-223

Nevada

- Pursuant to Nev. Rev. Stat. §11.202, the statute of repose for all actions for damages caused by a deficiency in construction of improvement to real property is 6 years after substantial completion of the improvement.

New Hampshire

- Pursuant to N.H. Rev. Stat. Ann. §508.4-b, the statute of repose is **eight years** from the date of substantial completion of the improvement to real property.

New Jersey

- Pursuant to N.J. Stat. Ann. §2A:14-1.1, the statute of repose for actions to recover damages for injury arising out of the defective and unsafe condition of improvement to real property against any person performing or furnishing the design, planning, surveying, supervision of construction or construction is

ten years after the performance or furnishing of such services and construction.

New Mexico

- The statute of repose for actions to recover damages for injury arising out of the defective or unsafe condition of a physical improvement to real property against any person performing or furnishing the construction or the design, planning, supervision, inspection or administration of construction of such improvement to real property is **ten years** from the date of substantial completion. N.M. Stat. Ann. §37-1-27.

New York

- New York does not have a formal statute of repose for causes of action against design professionals or contractors. However, N.Y. C.P.L.R. 214-d provides some procedural safeguards for licensed architects and engineers for claims brought more than **ten years** after the professional's design work. Claimants asserting damages for personal injury, wrongful death or property damage based on a design professional's conduct that occurred more than ten years before the date of the claim is asserted must adhere to specific notice requirements, including providing written notice of the claim to the design professional at least ninety days before commencement of the suit.

North Carolina

- The statute of repose is **six years** from the specific last act or omission of the defendant giving rise to the cause of action or substantial completion of the improvement, whichever is later. N.C. Gen. Stat. §1-50.

North Dakota

- Pursuant to N.D. Cent. Code §28-01-44, the statute of repose is **ten years** after substantial completion of construction of an improvement to real property.
- In the case of injury to property or person or wrongful death, which injury occurred during the tenth year after substantial completion, an action in tort may be brought within two years after the date on which injury occurred, irrespective of the date of death, but in no event may such action be brought more than **twelve years** after substantial completion. N.D. Cent. Code §28-01-44(2).

Ohio

- The statute of repose to recover damages for bodily injury, injury to real or personal property, or wrongful death arising out of a defective and unsafe condition of an improvement to real property is **ten years** from the date of substantial completion. Ohio Rev. Code Ann. §2305.131.

- A claimant who discovers a defective and unsafe condition of an improvement to real property during the ten-year period, but less than two years prior to the expiration of the ten-year period, may bring a civil action within **two years** from the date of the discovery of the defective and unsafe condition. Ohio Rev. Code Ann. §2305.131(A)(2).

Oklahoma

- The statute of repose for tort actions to recover damages arising from the design, planning or construction of improvement to real property is **ten years** after substantial completion. Okla. Stat. tit. 12, §109.

Oregon

- The statute of repose for actions to recover damages is **ten years** from substantial completion or abandonment of construction, alteration or repair of the improvement to real property. Or. Rev. Stat. §12.135(1).

Pennsylvania

- The statute of repose for civil actions against a person performing or furnishing the design, planning, supervision or observation of construction or construction to any improvement to real property is **twelve years** after completion of construction of the improvement to real property. 42 Pa. C.S. §5536.
- If an injury or wrongful death occurs more than ten and within twelve years after completion of the improvement, an action may be extended to no more than **fourteen years** after completion of construction of the improvement. 42 Pa. C.S. §5536(b).

Rhode Island

- Pursuant to R.I. Gen. Laws §9-1-29, the statute of repose for actions in tort to recover damages against an architect or professional engineer who designed, planned, or supervised to any extent the construction of improvements to real property, or against any contractor, subcontractor, or material supplier is **ten years** after substantial completion of an improvement to real property; provided, however, that §9-1-29 shall not extend the time in which actions may otherwise be brought under R.I. Gen. Laws §§9-1-13 and 9-1-14, which detail Rhode Island's statutes of limitations.

South Carolina

- In 2005, South Carolina amended its statute of repose and reduced the statute of repose from thirteen years to eight years. As to projects reaching substantial completion after July 1, 2005, the statute of repose for actions based upon defective or unsafe condition of improvement to real property is **eight years** after substantial completion of the improvement to real property. S.C. Code Ann. §15-3-640.

South Dakota

- The statute of repose to recover damages for any injury to real or personal property or personal injury or death arising out of any deficiency in design, planning, supervision, inspection and observation of construction, or construction is **ten years** after substantial completion of construction of an improvement to real property. S.D. Codified Laws §15-2A-3.
- In the case of an injury which occurs in the tenth year after substantial completion, an action may be brought within one year after the date on which the injury occurred, but not later than **eleven years** after substantial completion. S.D. Codified Laws §15-2A-5.

Tennessee

- The statute of repose for all actions to recover damages for any deficiency in design, planning, supervision, observation of construction, or construction of an improvement to real property is **four years** after substantial completion of an improvement to real property. Tenn. Code Ann. §28-3-202.
- If the injury occurs during the fourth year after substantial completion, an action may be brought within one year after the date of injury, but no later than **five years** after substantial completion. Tenn. Code Ann. §28-3-203.
- The statute of repose for all actions to recover damages against a surveyor is **four years** from the date the survey is recorded on the plat and any action not instituted within the four year period is forever barred. Tenn. Code Ann. §28-3-114.

Texas

- The statutes of repose for actions seeking to recover damages against an architect, engineer, interior designer, or landscape architect or person who constructs or repairs an improvement is **ten years** after substantial completion of the improvement to real property or the beginning of operation of the equipment in an action arising out of a defective or unsafe condition of real property, improvement, or equipment. Tex. Civ. Prac. & Rem. Code §16.008 – 16.009.
- If the claimant presents a written claim for damages to the design professional within the ten-year limitations period, the period is extended for **two years** from the day the claim is presented. Tex. Civ. Prac. & Rem. Code §16.008(c).

Utah

- Pursuant to Utah Code Ann. §78-12-21.5, an action by or against a provider in connection with the improvement to real property based in contract or warranty must be brought within **six years** of the date of completion of the improvement or abandonment of construction. Utah Code Ann. §78-12-21.5(3)(a).

- All other actions by or against a provider must be brought within **two years** from the earlier of the date of discovery of a cause of action or the date upon which a cause of action should reasonably have been discovered. Utah Code Ann. §78-12-21.5(3)(b).
- An action may not be commenced against a provider more than **nine years** after completion of the improvement or abandonment of construction. Utah Code Ann. §78-12-21.5(4).
- If the cause of action is discovered in the eighth or ninth year of the nine-year period, the claimant has **two additional years** from that date to commence an action. Utah Code Ann. §78-12-21.5(4).

Vermont

- Vermont does not have a statute of repose applicable to construction contracts.

Virginia

- Pursuant to Va. Code Ann. §8.01-250, the statute of repose for actions to recover for any injury to property or bodily injury or wrongful death arising out of the defective and unsafe condition of an improvement to real property against any person performing design, planning, surveying, supervision of construction or construction of such improvement is **five years** after the performance of design services and construction.

Washington

- Pursuant to Rev. Code Wash. (ARCW) §4.16.310, the statute of repose for claims arising from the improvement upon real property is **six years** after substantial completion of construction or after termination of services, whichever is later.

West Virginia

- Pursuant to W. Va. Code §55-2-6a, the statute of repose is **ten years** after the performance or furnishing of services or construction of an improvement to real property.

Wisconsin

- The statute of repose for actions to recover damages for any injury to property, injury to the person, or wrongful death against the owner or occupier of the property or against any person involved in the improvement to real property is **ten years** after the date of substantial completion of the improvement to real property. Wis. Stat. §893.89.
- If a person sustains damages during the period beginning of the first day of the eighth year and ending on the last day of the tenth year after substantial completion, the statute of repose period is extended for **three years** after the date on which the damages occurred. Wis. Stat. §893.43(3)(b).

Wyoming

- The statute of repose is **ten years** after substantial completion of an improvement to real property. Wyo. Stat. §1-3-111(a).
- If an injury occurs during the ninth year after substantial completion, an action may be brought within **one year** after the date on which the injury occurs. Wyo. Stat. §1-3-111(b).

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