

A COMPARISON OF STATUTE OF REPOSE VS. STATUTE OF LIMITATIONS PER STATE
A risk management resource for design professionals to protect against construction related claims.

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State	Statute of Repose		Statute of Limitations
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Alabama AL	<p>(a) All civil actions in tort, contract, or otherwise against any architect or engineer performing or furnishing the design, planning, specifications, testing, supervision, administration, or observation of any construction of any improvement on or to real property, or against builders who constructed, or performed or managed the construction of, an improvement on or to real property designed by and constructed under the supervision, administration, or observation of an architect or engineer, or designed by and constructed in accordance with the plans and specifications prepared by an architect or engineer, for the recovery of damages for:</p> <p>(i) Any defect or deficiency in the design, planning, specifications, testing, supervision, administration, or observation of the construction of any such improvement, or any defect or deficiency in the construction of any such improvement; or</p> <p>(ii) Damage to real or personal property caused by any such defect or deficiency; or</p> <p>(iii) Injury to or wrongful death of a person caused by any such defect or deficiency; shall be commenced within two years next after a cause of action accrues or arises, and not thereafter. Notwithstanding the</p>	<p><i>Baughner v. Beaver Constr. Co.</i>, 791 So. 2d 932 (Ala. 2000) (finding tenants' claim against home construction company 15 years after completion of the construction was barred by the then applicable 13-year statute of repose).</p>	<p>2 years Code of Ala. § 6-5-221 (2018).</p>

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	<p>foregoing, 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 of the improvement on or to the real property, and any right of action which accrues or would have accrued more than seven years thereafter is barred, except where prior to the expiration of such seven-year period, the architect, engineer, or builder had actual knowledge that such defect or deficiency exists and failed to disclose such defect or deficiency to the person with whom the architect, engineer, or builder contracted to perform such service.</p> <p>(b) This section shall apply to any civil action commenced against an architect, engineer, or builder as defined in this article, whether for his or her own act or omission or failure to act, for the act or omission or failure to act of his or her agents or employees, or for the act or omission or failure to act of any person or entity, its agents, or employees, who are acting under the instructions, control, or supervision of the architect, engineer, or builder.</p> <p>(c) This section shall apply and extend to every action or demand, whether commenced by direct action, action for</p>		

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	<p>contribution or indemnity, or by counterclaim, cross-claim, or third party practice and whether commenced by an owner of the improvement or any other person.</p> <p>(d) This section shall not apply to, shall not be a defense for, and does not proscribe a cause or right of action against any architect, engineer, or builder who, at the time the cause of action accrues or arises, is the owner or is in actual possession or control as owner, tenant, or otherwise of the improvement.</p> <p>(e) When the architect, engineer, or builder has been the owner or the person in actual possession or control, in whatever capacity, of the improvement during the seven-year period after the substantial completion of construction of the improvement on or to real property, but not at the time the cause of action accrues or arises, the time of the ownership, possession, or control shall not be computed as a portion of the time necessary to create a bar for the action or of relief by virtue of the passage of time after the substantial completion of the improvement.</p> <p>Code of Ala. § 6-5-221 (2018) (emphasis by bold added).</p>		

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Alaska AK	<p>(a) Notwithstanding the disability of minority described under AS 09.10.140(a), a person may not bring an action for personal injury, death, or property damage unless commenced within 10 years of the earlier of the date of</p> <p>(1) substantial completion of the construction alleged to have caused the personal injury, death, or property damage; however, the limitation of this paragraph does not apply to a claim resulting from an intentional or reckless disregard of specific project design plans and specifications or building codes; in this paragraph, “substantial completion” means the date when construction is sufficiently completed to allow the owner or a person authorized by the owner to occupy the improvement or to use the improvement in the manner for which it was intended; or</p> <p>(2) the last act alleged to have caused the personal injury, death, or property damage.</p> <p>(b) This section does not apply if</p> <p>(1) the personal injury, death, or property damage resulted from</p> <p>(A) prolonged exposure to hazardous waste;</p> <p>(B) an intentional act or gross negligence;</p> <p>(C) fraud or misrepresentation;</p>	<p><i>Beeson v. City of Palmer</i>, 379 P.3d 1084, 1091 (Alaska 2016) (referencing Superior Court decision that 10-year statute of repose barred inverse condemnation claims where the injuries resulted from the initial paving of the road over 10 years earlier).</p>	<p>Personal Injury or Property Damage: within 2 years of the accrual of the cause of action Alaska Stat. § 09.10.070 (2018).</p> <p>Breach of Contract: 3 years Alaska Stat. § 09.10.053 (2018).</p>

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	<p>(D) breach of an express warranty or guarantee;</p> <p>(E) a defective product; in this subparagraph, "product" means an object that has intrinsic value, is capable of delivery as an assembled whole or as a component part, and is introduced into trade or commerce; or</p> <p>(F) breach of trust or fiduciary duty;</p> <p>(2) the facts that would give notice of a potential cause of action are intentionally concealed;</p> <p>(3) a shorter period of time for bringing the action is imposed under another provision of law;</p> <p>(4) the provisions of this section are waived by contract; or</p> <p>(5) the facts that would constitute accrual of a cause of action of a minor are not discoverable in the exercise of reasonable care by the minor's parent or guardian.</p> <p>(c) The limitation imposed under (a) of this section is tolled during any period in which there exists the undiscovered presence of a foreign body that has no therapeutic or diagnostic purpose or effect in the body of the injured person and the action is based on the presence of the foreign body.</p>		

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	Alaska Stat. § 09.10.055 (2018) (emphasis by bold added).		
Arizona AZ	<p>A. Notwithstanding any other statute, no action or arbitration based in contract may be instituted or maintained against a person who develops or develops and sells real property, or performs or furnishes the design, specifications, surveying, planning, supervision, testing, construction or observation of construction of an improvement to real property more than eight years after substantial completion of the improvement to real property.</p> <p>B. Notwithstanding subsection A of this section, in the case of injury to real property or an improvement to real property, if the injury occurred during the eighth year after the substantial completion, or, in the case of a latent defect, was not discovered until the eighth year after substantial completion, an action to recover damages for injury to the real property may be brought within one year after the date on which the injury to real property or an improvement to real property occurred or a latent defect was discovered, but in no event may an action be brought more than nine years after the substantial completion of the improvement.</p>	<p><i>Fry Food Stores v. Mather & Assocs.</i>, 900 P.2d 1225, 1228 (Ariz. Ct. App. 1995) (finding that the 8-year statute of repose did not bar negligence claims against a structural engineer because the statute only applies to contract claims).</p>	<p>Personal Injury and Property Damage: within 2 years after the cause of action accrues Ariz. Rev. Stat. § 12-542 (LexisNexis 2018).</p> <p>Breach of Written Contract Executed in Arizona: within 6 years after the cause of action accrues Ariz. Rev. Stat. § 12-548 (LexisNexis 2018).</p> <p>Breach of Oral Contract: Within 3 years after the cause of action accrues Ariz. Rev. Stat. § 12-543 (LexisNexis 2018).</p>

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	<p>C. The limitations in subsections A and B of this section include any action based on implied warranty arising out of the contract or the construction, including implied warranties of habitability, fitness or workmanship.</p> <p>D. Nothing in this section applies to actions for personal injury or death nor shall this section operate to shorten the period of warranty provided in an express written warranty.</p> <p>E. For the purposes of subsections A, B and C of this section, an improvement to real property is considered substantially complete when any of the following first occurs:</p> <ol style="list-style-type: none"> 1. It is first used by the owner or occupant of the improvement. 2. It is first available for use after having been completed according to the contract or agreement covering the improvement, including agreed changes to the contract or agreement. 3. Final inspection, if required, by the governmental body which issued the building permit for the improvement. <p>F. In this section an action based in contract is an action based on a written real estate contract, sales agreement, construction agreement, conveyance or written agreement</p>		

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	<p>for construction or for the services set forth in subsection A of this section. This section shall not be construed to extend the period prescribed by the laws of this state for bringing any action. If a shorter period of limitation is prescribed for a specific action, the shorter period governs.</p> <p>G. With respect to an improvement to real property that was substantially complete on or before September 15, 1989, the eight and nine-year periods established in subsections A and B of this section shall begin to run on September 15, 1989. Notwithstanding the provisions of subsection E of this section and section 12-505, subsection A, this subsection applies to claims that accrued before the effective date of this amendment to this section.</p> <p>Ariz. Rev. Stat. § 12-552 (LexisNexis 2018) (emphasis by bold added).</p>		
Arkansas AR	<p>(a) No action in contract, whether oral or written, sealed or unsealed, to recover damages caused by any deficiency in the design, planning, supervision, or observation of construction or the construction and repair of any improvement to real property or for injury to real or personal property caused by such deficiency, shall be brought against any</p>	<p><i>First Elec. Coop. Corp. v. Black, Corely, Owens & Hughes, P.A.</i>, Case No. CA10-1257, 2011 Ark. App. 447, *5-6 (Ct. App. June 22, 2011) (finding that breach of contract claims against an architect and engineer were barred by the 5-year statute of repose and that the statute of</p>	<p>Personal Injury and Property Damage: within 3 years after the cause of action accrues Ark. Code Ann. § 16-56-105 (2018).</p>

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	<p>person performing or furnishing the design, planning, supervision, or observation of construction or the construction or repair of the improvement more than five (5) years after substantial completion of the improvement.</p> <p>(b)</p> <p>(1) No action in tort or contract, whether oral or written, sealed or unsealed, to recover damages for personal injury or wrongful death caused by any deficiency in the design, planning, supervision, or observation of construction or the construction and repairing of any improvement to real property shall be brought against any person performing or furnishing the design, planning, supervision, or observation of construction or the construction and repair of the improvement more than four (4) years after substantial completion of the improvement.</p> <p>(2) Notwithstanding the provisions of subdivision (b)(1) of this section, in the case of personal injury or an injury causing wrongful death, which injury occurred during the third year after the substantial completion, an action in tort or contract to recover damages for the injury or wrongful death may be brought within one (1) year after the date on which injury occurred,</p>	<p>repose cannot be waived via a tolling agreement).</p>	<p>Breach of Written Contract: within 5 years after the cause of action shall accrue Ark. Code Ann. § 16-56-111 (2018);</p> <p>Breach of Oral Contract: within 3 years after the cause of action accrues Ark. Code Ann. § 16-56-105 (2018)</p>

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	<p>irrespective of the date of death, but in no event shall such an action be brought more than five (5) years after the substantial completion of construction of such improvement.</p> <p>(c) The foregoing limitations shall also apply to any action for damages caused by any deficiency in surveying, establishing, or making the boundaries of real property, the preparation of maps, or the performance of any other engineering or architectural work upon real property or improvements to real property.</p> <p>(d) The limitations prescribed by this section shall not apply in the event of fraudulent concealment of the deficiency, nor shall the limitation be asserted by way of defense by any person in actual possession or control, as owner, tenant, or otherwise, of such an improvement at the time any deficiency in the improvement constitutes the proximate cause of the injury or death.</p> <p>(e) If a person furnishes designs or plans which are not used within three (3) years from the date they are furnished, no action shall lie against that person for deficiency in the designs or plans.</p> <p>(f) Nothing in this section shall be construed as extending the period prescribed by the</p>		

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	<p>laws of this state for the bringing of any cause of action, nor shall the parties to any contract for construction extend the above prescribed limitations by agreement or otherwise.</p> <p>(g) As used in this section, the term "person" shall mean an individual, corporation, trust, partnership, unincorporated organization, limited liability company, or any other business association or entity.</p> <p>(h)</p> <p>(1) It is the intent of the General Assembly and the purpose of this subsection to reinstate and to codify the accepted-work doctrine for publicly owned improvements to public property, which was repudiated by the Arkansas Supreme Court in Suneson v. Holloway Construction Co., 337 Ark. 571 (1999).</p> <p>(2)</p> <p>(A) A contractor who performs the construction or repair of any publicly owned improvement to public real property in substantial compliance with the designs or plans, after a practical acceptance of the completion of the improvement by the person representing the government entity in actual possession or control thereof as proprietor, owner, tenant, or otherwise, shall incur no further liability to third parties by</p>		

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	<p>reason of the condition of the work unless contracted otherwise by the parties.</p> <p>(B) The contractor may be liable for an improvement that is a nuisance per se, or that contains a defect that could not reasonably be detected on inspection by the proprietor, or that was turned over by the contractor in a manner so negligently defective as to be eminently dangerous to third persons.</p> <p>Ark. Code Ann. § 16-56-112 (2018) (emphasis by bold added).</p>		
California CA	<p>(a) Except as otherwise provided in this section, no action shall be brought to recover damages from any person performing or furnishing the design, specifications, surveying, planning, supervision or observation of construction or construction of an improvement to real property more than four years after the substantial completion of such improvement for any of the following:</p> <p>(1) Any patent deficiency in the design, specifications, surveying, planning, supervision or observation of construction or construction of an improvement to, or survey of, real property;</p>	<p><i>Wagner v. State of Calif.</i>, 150 Cal. Rptr. 489, 492-94 (Cal. Ct. App. 1978) (finding driver’s claims against an engineer for negligent design were barred by 4-year limitations period).</p> <p><i>Luckman P’ship, Inc. v. Superior Court</i>, 108 Cal. Rptr. 3d 606, 610-11 (Cal. Ct. App. 2010) (finding that a construction worker and his wife’s negligence claims against an architect were barred by the 4-year limitations period where the alleged deficiency in the spacing of guardrails was patent).</p>	<p>Property Damage: 3 years Cal. Civ. Proc. Code § 338 (Deering 2018).</p> <p>Personal Injury: 2 years Cal. Civ. Proc. Code § 335.1 (Deering 2018).</p> <p>Breach of Written Contract: 4 years Cal. Civ. Proc. Code § 337 (Deering 2018).</p> <p>Breach of Oral Contract, 2 years Cal. Civ. Proc. Code § 339 (Deering 2018).</p>

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	<p>(2) Injury to property, real or personal, arising out of any such patent deficiency; or</p> <p>(3) Injury to the person or for wrongful death arising out of any such patent deficiency.</p> <p>(b) If, by reason of such patent deficiency, an injury to property or the person or an injury causing wrongful death occurs during the fourth year after such substantial completion, an action in tort to recover damages for such an injury or wrongful death may be brought within one year after the date on which such injury occurred, irrespective of the date of death, but in no event may such an action be brought more than five years after the substantial completion of construction of such improvement.</p> <p>(c) Nothing in this section shall be construed as extending the period prescribed by the laws of this state for the bringing of any action.</p> <p>(d) The limitation prescribed by this section shall not be asserted by way of defense by any person in actual possession or the control, as owner, tenant or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury</p>	<p><i>Indus. Risk Insurers v. Rust Eng'g Co., 283 Cal. Rptr. 873, 873, 877-78 (Cal. Ct. App. 1991) (finding that insurer's subrogation claim against engineering firm that designed a boiler that later exploded were barred by the 10 -year limitations period as the applicable limit commenced when the engineer's work was substantially completed rather than when the improvement itself was substantially completed).</i></p>	

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	<p>or death for which it is proposed to bring an action.</p> <p>(e) As used in this section, “patent deficiency” means a deficiency which is apparent by reasonable inspection.</p> <p>(f) Subdivisions (a) and (b) shall not apply to any owner–occupied single–unit residence.</p> <p>Cal. Civ. Proc. Code § 337.1 (Deering 2018) (Emphasis by bold added).</p> <p>(a) No action may be brought to recover damages from any person, or the surety of a person, who develops real property or performs or furnishes the design, specifications, surveying, planning, supervision, testing, or observation of construction or construction of an improvement to real property more than 10 years after the substantial completion of the development or improvement for any of the following:</p> <p>(1) Any latent deficiency in the design, specification, surveying, planning, supervision, or observation of construction or construction of an improvement to, or survey of, real property.</p> <p>(2) Injury to property, real or personal, arising out of any such latent deficiency.</p>		

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	<p>(b) As used in this section, “latent deficiency” means a deficiency which is not apparent by reasonable inspection.</p> <p>(c) As used in this section, “action” includes an action for indemnity brought against a person arising out of that person’s performance or furnishing of services or materials referred to in this section, except that a cross-complaint for indemnity may be filed pursuant to subdivision (b) of Section 428.10 in an action which has been brought within the time period set forth in subdivision (a) of this section.</p> <p>(d) Nothing in this section shall be construed as extending the period prescribed by the laws of this state for bringing any action.</p> <p>(e) The limitation prescribed by this section shall not be asserted by way of defense by any person in actual possession or the control, as owner, tenant or otherwise, of such an improvement, at the time any deficiency in the improvement constitutes the proximate cause for which it is proposed to bring an action.</p> <p>(f) This section shall not apply to actions based on willful misconduct or fraudulent concealment.</p> <p>(g) The 10-year period specified in subdivision (a) shall commence upon substantial</p>		

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	<p>completion of the improvement, but not later than the date of one of the following, whichever first occurs:</p> <p>(1) The date of final inspection by the applicable public agency.</p> <p>(2) The date of recordation of a valid notice of completion.</p> <p>(3) The date of use or occupation of the improvement.</p> <p>(4) One year after termination or cessation of work on the improvement.</p> <p>The date of substantial completion shall relate specifically to the performance or furnishing design, specifications, surveying, planning, supervision, testing, observation of construction or construction services by each profession or trade rendering services to the improvement.</p> <p>Cal. Civ. Proc. Code § 337.15 (Deering 2018) (emphasis by bold added).</p>		
Colorado CO	<p>(1) (a) Notwithstanding any statutory provision to the contrary, all actions against any architect, contractor, builder or builder vendor, engineer, or inspector performing or furnishing the design, planning, supervision, inspection, construction, or observation of construction of any improvement to real property shall be brought within the time</p>	<p><i>Two Denver Highlands Ltd. P'Ship v. Dillingham Constr., N.A.</i> 932 P.2d 827, 829 (Colo. Ct. App. 1996) (finding that contractor's activities in preparing and installing concrete in a parking garage are included in statute of repose and whether a structure is an improvement to real property is a question of law).</p>	<p>Negligence: within 2 years after the cause of action accrues Colo. Rev. Stat. § 13-80-102 (2018). Breach of Contract: within 3 years after the cause of action accrues</p>

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	<p>provided in section 13-80-102 after the claim for relief arises, and not thereafter, but in no case shall such an action be brought more than six years after the substantial completion of the improvement to the real property, except as provided in subsection (2) of this section.</p> <p>(b)</p> <p>(I) Except as otherwise provided in subparagraph (II) of this paragraph (b), a claim for relief arises under this section at the time the claimant or the claimant's predecessor in interest discovers or in the exercise of reasonable diligence should have discovered the physical manifestations of a defect in the improvement which ultimately causes the injury.</p> <p>(II) Notwithstanding the provisions of paragraph (a) of this subsection (1), all claims, including, but not limited to indemnity or contribution, by a claimant against a person who is or may be liable to the claimant for all or part of the claimant's liability to a third person:</p> <p>(A) Arise at the time the third person's claim against the claimant is settled or at the time final judgment is entered on the third person's claim against the claimant, whichever comes first; and</p>		<p>Colo. Rev. Stat. § 13-80-101 (2018).</p>

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	<p>(B) Shall be brought within ninety days after the claims arise, and not thereafter.</p> <p>(c) Such actions shall include any and all actions in tort, contract, indemnity, or contribution, or other actions for the recovery of damages for:</p> <p>(I) Any deficiency in the design, planning, supervision, inspection, construction, or observation of construction of any improvement to real property; or</p> <p>(II) Injury to real or personal property caused by any such deficiency; or</p> <p>(III) Injury to or wrongful death of a person caused by any such deficiency.</p> <p>(2) In case any such cause of action arises during the fifth or sixth year after substantial completion of the improvement to real property, said action shall be brought within two years after the date upon which said cause of action arises.</p> <p>(3) The limitations provided by this section shall not be asserted as a defense by any person in actual possession or control, as owner or tenant or in any other capacity, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury or damage for which it is proposed to bring an action.</p>		

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	Colo. Rev. Stat. § 13-80-104 (2018) (emphasis by bold added).		
Connecticut CT	<p>(a) No action or arbitration, whether in contract, in tort, or otherwise, (1) to recover damages (A) for any deficiency in the design, planning, contract administration, supervision, observation of construction or construction of, or land surveying in connection with, an improvement to real property; (B) for injury to property, real or personal, arising out of any such deficiency; (C) for injury to the person or for wrongful death arising out of any such deficiency, or (2) for contribution or indemnity which is brought as a result of any such claim for damages shall be brought against any architect, professional engineer or land surveyor performing or furnishing the design, planning, supervision, observation of construction or construction of, or land surveying in connection with, such improvement more than seven years after substantial completion of such improvement.</p> <p>(b) Notwithstanding the provisions of subsection (a) of this section, in the case of such an injury to property or the person or such an injury causing wrongful death, which</p>	<p><i>Lathrop v. Malcolm Pirnie, Inc.</i>, 25 A.3d 740, 745-46 (Conn. App. Ct. 2011) (finding a material fact issue as to whether monitoring wells installed by engineering firm constituted an improvement).</p> <p><i>Young v. Marx</i>, 585 A.2d 1253, 1254-55 (Conn. App. Ct. 1991) (finding that claim of negligence against a structural engineer in relation to floor collapse were barred by the 7-year statute of repose).</p>	<p>Personal Injury and Property Damage: within 2 years from the date when the injury is first sustained or discovered or in the exercise of reasonable care should have been discovered, and except that no such action may be brought more than 3 years from the date of the act or omission complained of Conn. Gen. Stat. § 52-584 (2018).</p> <p>Breach of Written Contract: within 6 years after the right of action accrues Conn. Gen. Stat. § 52-576 (2018).</p> <p>Breach of Oral Contract: within 3 years after the right of action accrues Conn. Gen. Stat. § 52-581 (2018).</p>

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	<p>injury occurred during the seventh year after such substantial completion, an action in tort to recover damages for such an injury or wrongful death may be brought within one year after the date on which such injury occurred, irrespective of the date of death, but in no event may such an action be brought more than eight years after the substantial completion of construction of such an improvement.</p> <p>(c) For purposes of subsections (a) and (b) of this section, an improvement to real property shall be considered substantially complete when (1) it is first used by the owner or tenant thereof or (2) it is first available for use after having been completed in accordance with the contract or agreement covering the improvement, including any agreed changes to the contract or agreement, whichever occurs first.</p> <p>(d) The limitation prescribed by this section shall not be asserted by way of defense by any person in actual possession or the control, as owner, tenant or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury or death for which it is proposed to bring action.</p>		

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	Conn. Gen. Stat. § 52-584a (2018) (emphasis by bold added).		
Delaware DE	<p>(a) As used in this section:</p> <p>(1) "Action" shall include actions at law or in equity, or otherwise, instituted and/or prosecuted by or on behalf of this State, any of its agencies, commissions, departments or political subdivisions, and by or on behalf of any other governmental subdivision, agency, department or body, as well as by or on behalf of private individuals, persons, parties, corporations, partnerships, associations and other entities.</p> <p>(2) "Construction" shall include construction, erection, building, alteration, reconstruction and destruction of improvements to real property.</p> <p>(3) "Contract" shall mean the prime or general contract between the general contractor, on the one hand, and the owner or agent of the owner of the real property upon which or to which the construction is to be performed or the owner or agent of the owner of the improvement to be constructed, on the other hand.</p> <p>(4) "Deficiency" shall include acts and actions performed and failures to act and omissions.</p>	<p><i>Cheswold Volunteer Fire Co. v. Lambertson Constr. Co.</i>, 462 A.2d 416, 427 (Del. Super Ct. 1983) (finding that claims for breach of contract and breach of warranties against a contractors and subcontractor to be barred by the statute of repose).</p>	<p>Personal Injury and Property Damage: within 2 years from the accruing of the cause of action Del.Code Ann. tit. 10, § 8107 (2018).</p> <p>Breach of Contract: 3 years Del.Code Ann. tit. 10, § 8106 (2018).</p>

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	<p>(5) "Improvement" shall include buildings, highways, roads, streets, bridges, entrances and walkways of any type constructed thereon, and other structures affixed to and on land, as well as the land itself, except that such term shall not include buildings, entrances, walkways and structures used or intended to be used at the time of such construction primarily for residential purposes and uses.</p> <p>(6) "Person" shall include individuals, corporations, partnerships, firms, individual proprietorships and associations of persons.</p> <p>(b) No action, whether in or based upon a contract (oral or written, sealed or unsealed), in tort, or otherwise, to recover damages or for indemnification or contribution for damages, resulting:</p> <p>(1) From any alleged deficiency in the construction or manner of construction of an improvement to real property and/or in the designing, planning, supervision and/or observation of any such construction or manner of construction; or</p> <p>(2) From any alleged injury to property, real, personal or mixed, arising out of any such alleged deficiency; or</p> <p>(3) From any alleged personal injuries arising out of any such alleged deficiency; or</p>		

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	<p>(4) From any alleged wrongful death arising out of any such alleged deficiency; or</p> <p>(5) From any alleged trespass arising out of any such alleged deficiency; or</p> <p>(6) From any alleged injury unaccompanied with force or resulting indirectly from any such alleged deficiency;</p> <p>shall be brought against any person performing or furnishing, or causing the performance or furnishing of, any such construction of such an improvement or against any person performing or furnishing, or causing the performing or furnishing of, any such designing, planning, supervision, and/or observation of any such construction or manner of construction of such an improvement, after the expiration of 6 years from whichever of the following dates shall be earliest:</p> <p>a. The date of purported completion of all the work called for by the contract as provided by the contract if such date has been agreed to in the contract itself;</p> <p>b. The date when the statute of limitations commences to run in relation to the particular phase or segment of work performed pursuant to the contract in which the alleged deficiency occurred, where such date for such phase or segment of work has</p>		

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	<p>been specifically provided for in the contract itself;</p> <p>c. The date when the statute of limitations commences to run in relation to the contract itself where such date has been specifically provided for in the contract itself;</p> <p>d. The date when payment in full has been received by the person against whom the action is brought for the particular phase of such construction or for the particular phase of such designing, planning, supervision, and/or observation of such construction or manner of such construction, as the case may be, in which such alleged deficiency occurred;</p> <p>e. The date the person against whom the action is brought has received final payment in full, under the contract for the construction or for the designing, planning, supervision, and/or observation of construction, as the case may be, called for by contract;</p> <p>f. The date when the construction of such an improvement as called for by the contract has been substantially completed;</p> <p>g. The date when an improvement has been accepted, as provided in the contract, by the owner or occupant thereof following the commencement of such construction;</p> <p>h. For alleged personal injuries also, the date upon which it is claimed that such alleged</p>		

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	<p>injuries were sustained; or after the period of limitations provided in the contract, if the contract provides such a period and if such period expires prior to the expiration of 2 years from whichever of the foregoing dates is earliest.</p> <p>(c) Nothing in this section shall extend or lengthen, nor shall anything in this section be construed or interpreted as extending or lengthening, the period otherwise prescribed by the laws of this State for the bringing of any action covered by this section.</p> <p>(d) The limitations prescribed by this section shall not be available by way of a defense to any person in actual possession or actual control, as owner, tenant or otherwise, of such an improvement at the time when the alleged deficiency in such an improvement constitutes the proximate cause of the injury or death for which it is proposed to bring an action.</p> <p>Del. Code Ann. tit. 10, § 8127 (2018) (emphasis by bold added).</p>		
District of Columbia DC	<p>(a) (1) Except as provided in subsection (b), any action — (A) to recover damages for — (i) personal injury,</p>	<p><i>Sando v. Lefta Assocs.</i>, 559 A.2d 732, 734-38 (D.C. Cir. 1988) (finding that negligence claims for personal injury incurred over 10 years after the completion of the construction of the</p>	<p>Personal Injury and Property Damage: Within 3 years from the time the right to maintain the action accrues</p>

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	<p>(ii) injury to real or personal property, or (iii) wrongful death, resulting from the defective or unsafe condition of an improvement to real property, and (B) for contribution or indemnity which is brought as a result of such injury or death, shall be barred unless in the case where injury is the basis of such action, such injury occurs within the ten-year period beginning on the date the improvement was substantially completed, or in the case where death is the basis of such action, either such death or the injury resulting in such death occurs within such ten-year period. (2) For purposes of this subsection, an improvement to real property shall be considered substantially completed when — (A) it is first used, or (B) it is first available for use after having been completed in accordance with the contract or agreement covering the improvement, including any agreed changes to the contract or agreement, whichever occurs first. (b) The limitation of actions prescribed in subsection (a) shall not apply to —</p>	<p>hotel against the general contractor who built the hotel were barred by the 10-year statute of repose).</p>	<p>D.C. Code Ann. § 12-301 (LexisNexis 2018). Breach of Contract: Within 3 years from the time the right to maintain the action accrues D.C. Code Ann. § 12-301 (LexisNexis 2018).</p>

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	<p>(1) any action based on a contract, express or implied, or</p> <p>(2) any action brought against the person who, at the time the defective or unsafe condition of the improvement to real property caused injury or death, was the owner of or in actual possession or control of such real property, or</p> <p>(3) any manufacturer or supplier of any equipment or machinery or other articles installed in a structure upon real property, or</p> <p>(4) any action brought by the District of Columbia government.</p> <p>D.C. Code Ann. § 12-310 (LexisNexis 2018) (emphasis by bold added).</p>		
Florida FL	<p>(3) Within four years. —</p> <p>...</p> <p>(c) An action founded on the design, planning, or construction of an improvement to real property, with the time running from the date of actual possession by the owner, the date of the issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer,</p>	<p><i>Clearwater Hous. Auth. V. Future Capital Holding Corp.,</i> 126 So. 3d. 410 , 412(Fla. Dist. App. Ct.) (finding that there was an issue of fact as to when the defendant contractor’s contract with the surveyor was completed).</p> <p><i>Am. Liberty Inc. Co. V. West & Conyers, Architects & Engineers,</i> 491 So.2d 573, 574, 576 (Fla. Dist. App. Ct. 1986) (finding that plaintiff insurer’ subrogation claim for negligent design against architect was</p>	<p>4 years from actual possession by owner, the date of issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of the completions of the contract or the termination of the contract, whichever is latest</p> <p>Fla. Stat. Ann § 95.11(3)(c) (LexisNexis 2018).</p>

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	<p>whichever date is latest; except that, when the action involves a latent defect, the time runs from the time the defect is discovered or should have been discovered with the exercise of due diligence. In any event, the action must be commenced within 10 years after the date of actual possession by the owner, the date of the issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer, whichever date is latest. However, counterclaims, cross-claims, and third-party claims that arise out of the conduct, transaction, or occurrence set out or attempted to be set out in a pleading may be commenced up to 1 year after the pleading to which such claims relate is served, even if such claims would otherwise be time barred. With respect to actions founded on the design, planning, or construction of an improvement to real property, if such construction is performed pursuant to a duly issued building permit and if a local enforcement agency, state enforcement agency, or special inspector, as those terms</p>	<p>barred by then applicable statute of repose).</p>	

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	<p>are defined in s. 553.71, has issued a final certificate of occupancy or certificate of completion, then as to the construction which is within the scope of such building permit and certificate, the correction of defects to completed work or repair of completed work, whether performed under warranty or otherwise, does not extend the period of time within which an action must be commenced. Completion of the contract means the later of the date of final performance of all the contracted services or the date that final payment for such services becomes due without regard to the date final payment is made.</p> <p>Fla. Stat. Ann. § 95.11 (LexisNexis 2018) (emphasis by bold added).</p>		
<p>Georgia GA</p>	<p>(a) No action to recover damages: (1) For any deficiency in the survey or plat, planning, design, specifications, supervision or observation of construction, or construction of an improvement to real property; (2) For injury to property, real or personal, arising out of any such deficiency; or (3) For injury to the person or for wrongful death arising out of any such deficiency</p>	<p><i>Feldman v. Arcadis U.C., Inc.</i>, 728 S.E.2d 792, 793-94 (Ga. Ct. App. 2012) (finding that injured motorist claims for negligence planning and design of a roadway against engineer were barred by the 8-year statute of repose as the roadway was an improvement to real property).</p>	<p>Property Damage: within 4 years after the right of action accrues Ga. Code Ann. § 9-3-32 (2081).</p> <p>Personal Injury: within 2 years after the right of action accrues; Ga. Code Ann. § 9-3-33 (2018).</p>

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	<p>shall be brought against any person performing or furnishing the survey or plat, design, planning, supervision or observation of construction, or construction of such an improvement more than eight years after substantial completion of such an improvement.</p> <p>(b) Notwithstanding subsection (a) of this Code section, in the case of such an injury to property or the person or such an injury causing wrongful death, which injury occurred during the seventh or eighth year after such substantial completion, an action in tort to recover damages for such an injury or wrongful death may be brought within two years after the date on which such injury occurred, irrespective of the date of death, but in no event may such an action be brought more than ten years after the substantial completion of construction of such an improvement.</p> <p>Ga. Code Ann. § 9-3-51 (2018) (emphasis by bold added).</p>		<p>Breach of Written Contract: 6 years Ga. Code Ann. § 9-3-24 (2018).</p> <p>Breach of Oral Contract: within 4 years after the right of action accrues Ga. Code Ann. § 9-3-25 (2018).</p>
Hawaii HI	(a) No action to recover damages for any injury to property, real or personal, or for bodily injury or wrongful death, arising out of		within 2 years after the cause of action accrued

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	<p>any deficiency or neglect in the planning, design, construction, supervision and administering of construction, and observation of construction relating to an improvement to real property shall be commenced more than two years after the cause of action has accrued, but in any event not more than ten years after the date of completion of the improvement.</p> <p>(b) This section shall not apply to actions for damages against owners or other persons having an interest in the real property or improvement based on their negligent conduct in the repair or maintenance of the improvement or to actions for damages against surveyors for their own errors in boundary surveys. The term "improvement" as used in this section shall have the same meaning as in section 507-41 and the phrase "date of completion" as used in this section shall mean the time when there has been substantial completion of the improvement or the improvement has been abandoned. The filing of an affidavit of publication and notice of completion with the circuit court where the property is situated in compliance with section 507-43(f) shall be prima facie evidence of the date of completion. This section shall not be construed to prevent,</p>		<p>Haw. Rev. Stat. Ann. § 657-8 (LexisNexis 2018).</p>

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	<p>limit, or extend any shorter period of limitation applicable to sureties provided for in any contract or bond or any other statute, nor to extend or add to the liability of any surety beyond that for which the surety agreed to be liable by contract or bond.</p> <p>(c) Nothing in this section shall exclude or limit the liability provisions as set forth in the products liability laws.</p> <p>Haw. Rev. Stat. Ann. § 657-8 (LexisNexis 2018) (emphasis by bold added).</p>		
Idaho ID	<p>Actions will be deemed to have accrued and the statute of limitations shall begin to run as to actions against any person by reason of his having performed or furnished the design, planning, supervision or construction of an improvement to real property, as follows:</p> <p>(a) Tort actions, if not previously accrued, shall accrue and the applicable limitation statute shall begin to run six (6) years after the final completion of construction of such an improvement.</p> <p>(b) Contract actions shall accrue and the applicable limitation statute shall begin to run at the time of final completion of construction of such an improvement.</p> <p>The times fixed by these sections [this section] shall not be asserted by way of</p>	<p><i>Twin Falls Clinic & Hosp. Bldg. Corp. v. Hamill</i>, 644 P.2d 341, 346 (Idaho 1982) (statute of limitations and repose applied barring contract claim against architect over 5 years after completion of the work and tort claim against architect over 8 years after completion of the work).</p>	<p>Property Damage: within 3 years Idaho Code Ann. § 5-218 (LexisNexis 2018).</p> <p>Personal Injury and professional malpractice: Within 2 years Idaho Code Ann. § 5-219 (LexisNexis 2018).</p> <p>Breach of Written Contract: Within 5 years Idaho Code Ann. § 5-216 (LexisNexis 2018).</p> <p>Breach of Oral Contract: 4 years Idaho Code Ann. § 5-217 (LexisNexis 2018).</p>

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	<p>defense by any person in actual possession or control, as owner, tenant, or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of an injury or death for which it is proposed to bring an action.</p> <p>Nothing in this section shall be construed as extending the period prescribed by the laws of this state for the bringing of any action.</p> <p>As used in this section, the term "person" shall mean an individual, corporation, partnership, business trust, unincorporated organization, association, or joint stock company.</p> <p>Idaho Code Ann. § 5-241 (LexisNexis 2018) (emphasis by bold added).</p>		
Illinois IL	<p>As used in this Section, "person" means any individual, any business or legal entity, or any body politic.</p> <p>(a) Actions based upon tort, contract or otherwise against any person for an act or omission of such person in the design, planning, supervision, observation or management of construction, or construction of an improvement to real property shall be</p>	<p><i>Cates v. Hunter Eng'g Co.</i>, 563 N.E.2d 1239, 588-90 (Ill. App. Ct. 1990) (finding that the cold rolling mill was an improvement to real property in that it substantially enhanced the value of the property and thus that the 10-year statute of repose applied).</p>	<p>Within 4 years from the time the person bringing an action, or his or her privity, knew or should have reasonably known of such act or omission 735 Ill. Comp. Stat Ann. 5/13-214 (LexisNexis 2018).</p>

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	<p>commenced within 4 years from the time the person bringing an action, or his or her privity, knew or should reasonably have known of such act or omission.</p> <p>Notwithstanding any other provision of law, contract actions against a surety on a payment or performance bond shall be commenced, if at all, within the same time limitation applicable to the bond principal.</p> <p>(b) No action based upon tort, contract or otherwise may be brought against any person for an act or omission of such person in the design, planning, supervision, observation or management of construction, or construction of an improvement to real property after 10 years have elapsed from the time of such act or omission. However, any person who discovers such act or omission prior to expiration of 10 years from the time of such act or omission shall in no event have less than 4 years to bring an action as provided in subsection (a) of this Section.</p> <p>Notwithstanding any other provision of law, contract actions against a surety on a payment or performance bond shall be commenced, if at all, within the same time limitation applicable to the bond principal.</p> <p>(c) If a person otherwise entitled to bring an action could not have brought such action</p>	<p><i>Grimmig v. St. Clair County</i>, 548 N.E.2d 92, 95-96 (Ill. App. Ct. 1989) (finding that the statute began running against the architect on the date that he submitted his plans, not on the date that the structure was built as the claim was predicated on a design error).</p> <p><i>Zielinski v. A. Epstein & Sons Int'l, Inc.</i>, 534 N.E.2d 644, 648 (Ill. App. Ct. 1989) (finding that personal injury claim against architect was barred by the then 12-year statute of repose).</p>	

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	<p>within the limitation periods herein solely because such person was under the age of 18 years, or a person with a developmental disability or a person with mental illness, then the limitation periods herein shall not begin to run until the person attains the age of 18 years, or the disability is removed.</p> <p>(d) Subsection (b) shall not prohibit any action against a defendant who has expressly warranted or promised the improvement to real property for a longer period from being brought within that period.</p> <p>(e) The limitations of this Section shall not apply to causes of action arising out of fraudulent misrepresentations or to fraudulent concealment of causes of action.</p> <p>(f) Subsection (b) does not apply to an action that is based on personal injury, disability, disease, or death resulting from the discharge into the environment of asbestos.</p> <p>735 Ill. Comp. Stat Ann. 5/13-214 (LexisNexis 2018) (emphasis by bold added).</p>		
Indiana IN	<p>(a) As used in this section, “designer” means a person who:</p> <p>(1) designs, plans, supervises, or observes the construction of an improvement to real property; or</p>	<p><i>J..M. Foster, Inc. v. Spriggs</i>, 789 N.E.2d 526 (Ind. 2003) (statute of repose barred wrongful death claim against various contractors where wife of deceased construction worker filed suit more than</p>	<p>Real Property Damage: within 6 years after the cause of action accrues Ind. Code Ann. § 34-11-2-7 (LexisNexis 2018).</p>

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	<p>(2) constructs an improvement to real property.</p> <p>(b) As used in this section, “possessor” means a person having ownership, possession, or control of real property at the time an alleged deficiency in an improvement to the real property causes injury or wrongful death.</p> <p>(c) As used in this section, “deficiency” does not mean a failure by a possessor to use reasonable care to maintain an improvement to real property following a substantial completion of an improvement.</p> <p>(d) An action to recover damages, whether based upon contract, tort, nuisance, or another legal remedy, for:</p> <p>(1) a deficiency or an alleged deficiency in the design, planning, supervision, construction, or observation of construction of an improvement to real property;</p> <p>(2) an injury to real or personal property arising out of a deficiency; or</p> <p>(3) an injury or wrongful death of a person arising out of a deficiency;</p> <p>may not be brought against a designer or possessor unless the action is commenced within the earlier of ten (10) years after the date of substantial completion of the improvement or twelve (12) years after the completion and submission of plans and</p>	<p>10 years after project was substantially completed).</p>	<p>Personal Property Damage: within 2 years after the cause of action accrues Ind. Code Ann. § 34-11-2-4 (LexisNexis 2018).</p> <p>Personal Injury: within 2 years after the cause of action accrues Ind. Code Ann. § 34-11-2-4 (LexisNexis 2018).</p> <p>Breach of Written Contract: within 10 years after the cause of action accrues Ind. Code Ann. § 34-11-2-11 (LexisNexis 2018).</p> <p>Breach of Oral Contract: within 6 years after the cause of action accrues Ind. Code Ann. § 34-11-2-7 (LexisNexis 2018).</p>

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	<p>specifications to the owner if the action is for a deficiency in the design of the improvement.</p> <p>Ind. Code Ann. § 32-30-1-5 (LexisNexis 2018) (emphasis by bold added).</p>		
Iowa IA	<p>11. Improvements to real property.</p> <p>a. In addition to limitations contained elsewhere in this section, an action arising out of the unsafe or defective condition of an improvement to real property based on tort and implied warranty and for contribution and indemnity, and founded on injury to property, real or personal, or injury to the person or wrongful death, shall not be brought more than the number of years specified below after the date on which occurred the act or omission of the defendant alleged in the action to have been the cause of the injury or death:</p> <p>(1) For an action arising from or related to a nuclear power plant licensed by the United States nuclear regulatory commission or an interstate pipeline licensed by the federal energy regulatory commission, fifteen years.</p> <p>(2) For an action arising from or related to residential construction, as defined in section 572.1, ten years.</p>	<p><i>McKiness Excavating & Grading v. Morton Buildings</i>, 507 N.W.2d 405, 409 (Iowa 1993) (statute of repose barred claim arising from building collapse where suit filed more than 10 years after completion of building).</p> <p><i>Van Wall Equipment, Inc. v. BC Steel Buildings, Inc.</i>, 912 N.W.2d 501 (Iowa Ct. App. 2017) (statute of repose barred negligent design claim against company that manufactured a pre-engineered building that collapsed where suit was filed more than 15 years after building was assembled on site (prior version of statute of repose)).</p>	<p>Property Damage: within 5 years after the cause of action accrues Iowa Code § 614.1(4) (LexisNexis 2018).</p> <p>Personal Injury: within 2 years after the cause of action accrues Iowa Code § 614.1(2) (LexisNexis 2018).</p> <p>Breach of Written Contract: within 10 years after the cause of action accrues Iowa Code § 614.1(5) (LexisNexis 2018).</p> <p>Breach of Oral Contract: within 5 years after the cause of action accrues Iowa Code § 614.1(4) (LexisNexis 2018).</p>

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	<p>(3) For an action arising from or related to any other kind of improvement to real property, eight years.</p> <p>b. Notwithstanding paragraph “a”, an action arising from or related to the intentional misconduct or fraudulent concealment of an unsafe or defective condition of an improvement to real property shall not be brought more than fifteen years after the date on which occurred the act or omission of the defendant alleged in the action to have been the cause of the injury or death.</p> <p>c. If the unsafe or defective condition is discovered within one year prior to the expiration of the applicable period of repose, the period of repose shall be extended one year.</p> <p>d. This subsection does not bar an action against a person solely in the person’s capacity as an owner, occupant, or operator of an improvement to real property.</p> <p>Iowa Code § 614.1 (emphasis by bold added).</p>		
Kansas KS	<p>(a) The following actions shall be brought within two years:</p> <p>(1) An action for trespass upon real property.</p>	<p><i>Grey v. City of Topeka</i>, No. 117,652, 2018 Kan. App. Unpub. LEXIS 199, at *19-20 (Kan. Ct. App. Mar. 16, 2018) (unpublished) (statue of repose barred claims for negligent design or</p>	<p>Personal Injury and Property Damage: within 2 years Kan. Stat. Ann. § 60-513 (LexisNexis 2018).</p>

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	<p>(2) An action for taking, detaining or injuring personal property, including actions for the specific recovery thereof.</p> <p>(3) An action for relief on the ground of fraud, but the cause of action shall not be deemed to have accrued until the fraud is discovered.</p> <p>(4) An action for injury to the rights of another, not arising on contract, and not herein enumerated.</p> <p>(5) An action for wrongful death.</p> <p>(6) An action to recover for an ionizing radiation injury as provided in K.S.A. 60-513a, 60-513b and 60-513c, and amendments thereto.</p> <p>(7) An action arising out of the rendering of or failure to render professional services by a health care provider, not arising on contract.</p> <p>(b) Except as provided in subsections (c) and (d), the causes of action listed in subsection (a) shall not be deemed to have accrued until the act giving rise to the cause of action first causes substantial injury, or, if the fact of injury is not reasonably ascertainable until some time after the initial act, then the period of limitation shall not commence until the fact of injury becomes reasonably ascertainable to the injured party, but in no event shall an action be commenced more</p>	<p>construction of a bridge where suit was filed more than 10 years after bridge redesign was completed).</p>	<p>Breach of Written Contract: within 5 years Kan. Stat. Ann. § 60-511 (LexisNexis 2018).</p> <p>Breach of Oral Contract: within 3 years Kan. Stat. Ann. § 60-512 (LexisNexis 2018).</p>

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	<p>than 10 years beyond the time of the act giving rise to the cause of action. (c) A cause of action arising out of the rendering of or the failure to render professional services by a health care provider shall be deemed to have accrued at the time of the occurrence of the act giving rise to the cause of action, unless the fact of injury is not reasonably ascertainable until some time after the initial act, then the period of limitation shall not commence until the fact of injury becomes reasonably ascertainable to the injured party, but in no event shall such an action be commenced more than four years beyond the time of the act giving rise to the cause of action. (d) A negligence cause of action by a corporation or association against an officer or director of the corporation or association shall not be deemed to have accrued until the act giving rise to the cause of action first causes substantial injury, or, if the fact of injury is not reasonably ascertainable until some time after the initial act, then the period of limitation shall not commence until the fact of injury becomes reasonably ascertainable to the injured party, but in no event shall such an action be commenced more than five</p>		

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	<p>years beyond the time of the act giving rise to the cause of action.</p> <p>All other causes of action by a corporation or association against an officer or director of the corporation or association shall not be deemed to have accrued until the act giving rise to the cause of action first causes substantial injury and there exists a disinterested majority of nonculpable directors of the corporation or association, or, if the fact of injury is not reasonably ascertainable until some time after the initial act, then the period of limitation shall not commence until the fact of injury becomes reasonably ascertainable and there exists a disinterested majority of nonculpable directors of the corporation or association, but in no event shall such an action be commenced more than 10 years beyond the time of the act giving rise to the cause of action.</p> <p>For purposes of this subsection, the term "negligence cause of action" shall not include a cause of action seeking monetary damages for any breach of the officer's or director's duty of loyalty to the corporation or association, for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, for liability</p>		

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	<p>under K.S.A. 17-5812, 17-6410, 17-6423, 17-6424 or 17-6603 and amendments thereto, or for any transaction from which the officer or director derived an improper personal benefit.</p> <p>(e) The provisions of this section as it was constituted prior to July 1, 1996, shall continue in force and effect for a period of two years from that date with respect to any act giving rise to a cause of action occurring prior to that date.</p> <p>Kan. Stat. Ann. § 60-513 (LexisNexis 2018) (emphasis by bold added).</p>		
Kentucky KY	<p>(1) No action to recover damages, whether based upon contract or sounding in tort, resulting from or arising out of any deficiency in the construction components, design, planning, supervision, inspection, or construction of any improvement to real property, or for any injury to property, either real or personal, arising out of such deficiency, or for injury to the person or for wrongful death arising out of any such deficiency, shall be brought against any person after the expiration of seven (7) years following the substantial completion of such improvement.</p>		Professional Malpractice: within 1 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 party injured Ky. Rev. Stat. Ann. § 413.245 (LexisNexis 2018); see also Ky. Rev. Stat. Ann. § 413.243 (LexisNexis 2018).

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	<p>(2) Notwithstanding the provisions of subsection (1) of this section, in the case of such an injury to property or the person or wrongful death resulting from such injury, which injury occurred during the seventh year following substantial completion of such improvement, an action to recover damages for such injury or wrongful death may only be brought within one (1) year from the date upon which such injury occurred (irrespective of the date of death), but in no event may such an action be brought more than eight (8) years after the substantial completion of construction of such improvement.</p> <p>(3) Nothing in this section shall be construed as extending the period prescribed by statute for the bringing of any action for damages.</p> <p>(4) As used in this section, the term “person” shall mean an individual, corporation, partnership, business trust, unincorporated association, or joint stock company; the term “substantial completion” shall be construed to mean the date upon which the owner of the structure, project, or facility first entered upon the occupancy or commenced the use thereof.</p>		

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	Ky. Rev. Stat. Ann. § 413.135 (LexisNexis 2018) (emphasis by bold added).		
Louisiana LA	<p>A. Except as otherwise provided in this Subsection, no action, whether ex contractu, ex delicto, or otherwise, including but not limited to an action for failure to warn, to recover on a contract, or to recover damages, or otherwise arising out of an engagement of planning, construction, design, or building immovable or movable property which may include, without limitation, consultation, planning, designs, drawings, specification, investigation, evaluation, measuring, or administration related to any building, construction, demolition, or work, shall be brought against any person performing or furnishing land surveying services, as such term is defined in R.S. 37:682, including but not limited to those services preparatory to construction, or against any person performing or furnishing the design, planning, supervision, inspection, or observation of construction or the construction of immovables, or improvement to immovable property, including but not limited to a residential building contractor as defined in R.S. 37:2150.1:</p> <p>(1)</p>	<p><i>Burkart v. Williamson</i>, 29 So.3d 635, 639-40 (La. Ct. App. 2009) (statute of repose applied to bar negligent design claim filed against architect where suit was brought more than 5 years after original owners moved into house and discovered water intrusion issue)</p> <p><i>Orleans Parish School Bd. v. Pittman Construction Co.</i>, 384 So.2d 573, 576 (La. Ct. App. 1980) (statute of repose barred contractor's third-party indemnity claims against architects where suit was filed over 9 years after acceptance of work)</p>	<p>Property Damage: 1 year from the day the owner of the immovable acquired, or should have acquired knowledge of the damage La. Civ. Code Ann. § art. 3493 (LexisNexis 2018).</p> <p>Personal Injury: 1 year from the day injury or damage is sustained La. Civ. Code Ann. § art. 3492 (LexisNexis 2018).</p> <p>Breach of Contract: An action against a contractor or an architect on account of defects of construction, renovation, or repair of buildings and other works is subject to a liberative prescription of ten years. La. Civ. Code Ann. § art3500 (LexisNexis 2018).</p>

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	<p>(a) More than five years after the date of registry in the mortgage office of acceptance of the work by owner.</p> <p>(b) If no such acceptance is recorded within six months from the date the owner has occupied or taken possession of the improvement, in whole or in part, more than five years after the improvement has been thus occupied by the owner.</p> <p>(c) If, within ninety days of the expiration of the five-year preemptive period described in Subparagraph (a) of this Paragraph, a claim is brought against any person or entity included within the provisions of this Subsection, then such person or entity shall have ninety days from the date of service of the main demand or, in the case of a third-party defendant, within ninety days from service of process of the third party demand, to file a claim for contribution, indemnity or a third-party claim against any other party.</p> <p>(2) If the person performing or furnishing the land surveying services, as such term is defined in R.S. 37:682, does not render the services preparatory to construction, or if the person furnishing such services or the design and planning preparatory to construction does not perform any inspection of the work, more than five years after he has completed</p>		

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	<p>the surveying or the design and planning with regard to actions against that person.</p> <p>B.</p> <p>(1) The causes which are preempted within the time described above include any action:</p> <p>(a) For any deficiency in the performing or furnishing of land surveying services, as such term is defined in R.S. 37:682, including but not limited to those preparatory to construction or in the design, planning, inspection, or observation of construction, or in the construction of any improvement to immovable property, including but not limited to any services provided by a residential building contractor as defined in R.S. 37:2150.1(9).</p> <p>(b) For damage to property, movable or immovable, arising out of any such deficiency.</p> <p>(c) For injury to the person or for wrongful death arising out of any such deficiency.</p> <p>(d) Brought against a person for the action or failure to act of his employees.</p> <p>(2) Deficiency, as used in this Section, includes failure to warn the owner of any dangerous or hazardous condition, regardless of when knowledge of the danger or hazard is obtained or should have been obtained.</p> <p>(3) Except as otherwise provided in Subsection A of this Section, this preemptive</p>		

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	<p>period shall extend to every demand, whether brought by direct action or for contribution or indemnity or by third-party practice, and whether brought by the owner or by any other person.</p> <p>C. If such an injury to the property or to the person or if such a wrongful death occurs during the fifth year after the date set forth in Subsection A, an action to recover the damages thereby suffered may be brought within one year after the date of the injury, but in no event more than six years after the date set forth in Subsection A, even if the wrongful death results thereafter.</p> <p>D. Actions for the causes enumerated in Sub-section B of this Section, against the persons enumerated in Sub-section A of this Section, shall prescribe by the applicable prescriptive periods established by law for such actions.</p> <p>E. The preemptive period provided by this Section shall not be asserted by way of defense by a person in possession or control, as owner, lessor, tenant, or other possessory interest, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury, damage, or death sued upon with regard to any cause of action arising out of the alleged delict, quasi delict, or obligation of any such</p>		

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	<p>person arising out of his possession or control of the property.</p> <p>F. Nothing in this Section shall be construed as modifying the liability or responsibility otherwise imposed by law on the owner of an immovable or the possessor, lessor or lessee of an immovable, by reason of the design, planning, supervision, inspection or observation of construction, or construction of improvements to immovable property.</p> <p>G. Causes of action arising from the performing or furnishing of land surveying services, as such term is defined in R.S. 37:682, if not performed preparatory to construction, which exist prior to September 11, 1981, shall be perempted one year from said date or by the applicable peremptive period established by this Section, whichever is later.</p> <p>H. (1) The peremptive period provided by this Section shall not apply to an action to recover on a contract or to recover damages against any person enumerated in Subsection A of this Section, whose fraud has caused the breach of contract or damages sued upon. The provisions of this Subsection shall be retroactive.</p>		

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	<p>(2) In any action in which fraud is alleged, that issue shall be decided by trial separate from and prior to the trial of any or all other issues. However, if fraud is alleged in nonresidential contracts in an action commenced after the expiration of the five-year period provided by this Section, and the court determines that the allegation was brought in bad faith and no fraud is found, then the party who made the allegation shall be liable for court costs and attorney fees. If fraud is proven, then the party that has committed the fraud shall be liable for court costs and attorney fees.</p> <p>(3) Fraud, as used in this Section, shall have the same meaning as provided in Civil Code Article 1953.</p> <p>I. Nothing in this Section shall be construed as limiting or modifying the non-liability of contractors for destruction or deterioration of, or defects in, any work, as provided in R.S. 9:2771.</p> <p>La. Rev. Stat. Ann. § 9:2772 (LexisNexis 2018) (emphasis by bold added).</p>		
Maine ME	All civil actions for malpractice or professional negligence against architects or engineers duly licensed or registered under Title 32 shall	<i>McKeeman v. Cianbro Corp.</i> , No. CV-98-132, 1999 Me. Super. LEXIS 308, at *3, 9 (Me. Super. Ct. Nov. 9, 1999), <i>vacated on</i>	Design Professional Malpractice: within 4 years after such malpractice or

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	<p>be commenced within 4 years after such malpractice or negligence is discovered, but in no event shall any such action be commenced more than 10 years after the substantial completion of the construction contract or the substantial completion of the services provided, if a construction contract is not involved. The limitation periods provided by this section shall not apply if the parties have entered into a valid contract which by its terms provides for limitation periods other than those set forth in this section.</p> <p>Me. Rev. Stat. Ann. tit. 14, § 752-A (LexisNexis 2018) (emphasis by bold added).</p>	<p><i>other grounds</i>, 804 A.2d 406 (Me. 2002) (statute of repose barred claims for negligence and contribution/indemnity against engineer where suit was filed 15 years after work was completed).</p> <p><i>Montgomery v. Rogers</i>, No. CV-99-9, 2000 Me. Super. LEXIS 19, at *7 (Me. Super. Ct. Jan. 24, 2000) (finding that 10-year statute of repose for design professionals only applies to claims made against architects and engineers, not to claims made against contractors).</p>	<p>negligence is discovered Me. Rev. Stat. Ann. tit. 14, § 752-A (LexisNexis 2018)</p> <p>Breach of Contract: within 6 years after the cause of action accrues Me. Rev. Stat. Ann. tit. 14, § 752 (LexisNexis 2018).</p>
Maryland MD	<p>(a) Injury occurring more than 20 years later. -- Except as provided by this section, no cause of action for damages accrues and a person may not seek contribution or indemnity for damages incurred when wrongful death, personal injury, or injury to real or personal property resulting from the defective and unsafe condition of an improvement to real property occurs more than 20 years after the date the entire improvement first becomes available for its intended use.</p>	<p><i>Whiting Turner Contracting Co. v. Coupard</i>, 499 A.2d 178, 182 (Md. Ct. App. 1985) (statute of repose barred claim against architect where alleged injury occurred more than 10 years after parking garage was opened for its intended use).</p> <p><i>Streeter v. SSOE Systems</i>, 732 F. Supp. 2d 569, 576 (D. Md. 2010) (statute of repose barred claim of negligence design where alleged injury occurred more than 10</p>	<p>Actions Against Architects & Engineers: within 3 years of the date the cause of action accrues Md. Code Ann., Cts. & Jud. Proc. § 5-108 (LexisNexis 2018).</p> <p>Breach of Contract: within 3 years from the date the cause of action accrues Md. Code Ann., Cts. & Jud. Proc. § 5-101 (LexisNexis 2018).</p>

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	<p>(b) Action against architect, professional engineer, or contractor. -- Except as provided by this section, a cause of action for damages does not accrue and a person may not seek contribution or indemnity from any architect, professional engineer, or contractor for damages incurred when wrongful death, personal injury, or injury to real or personal property, resulting from the defective and unsafe condition of an improvement to real property, occurs more than 10 years after the date the entire improvement first became available for its intended use.</p> <p>(c) Three-year limitation after accrual of cause of action. -- Upon accrual of a cause of action referred to in subsections (a) and (b) of this section, an action shall be filed within 3 years.</p> <p>(d) "Supplier" defined. --</p> <p>(1) In this subsection, "supplier" means any individual or entity whose principal business is the supply, distribution, installation, sale, or resale of any product that causes asbestos-related disease.</p> <p>(2) This section does not apply if:</p> <p>(i) The defendant was in actual possession and control of the property as owner, tenant, or otherwise when the injury occurred;</p>	<p>years after chemical plant became available for its intended use),</p>	<p>Breach of Contract under Seal: within 12 years after the cause of action accrues Md. Code Ann., Cts. & Jud. Proc. § 5-102 (LexisNexis 2018).</p>

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	<p>(ii) In a cause of action against a manufacturer or supplier for damages for personal injury or death caused by asbestos or a product that contains asbestos, the injury or death results from exposure to asbestos dust or fibers which are shed or emitted prior to or in the course of the affixation, application, or installation of the asbestos or the product that contains asbestos to an improvement to real property;</p> <p>(iii) In other causes of action for damages for personal injury or death caused by asbestos or a product that contains asbestos, the defendant is a manufacturer of a product that contains asbestos; or</p> <p>(iv) In a cause of action for damages for injury to real property that results from a defective and unsafe condition of an improvement to real property:</p> <ol style="list-style-type: none"> 1. The defendant is a manufacturer of a product that contains asbestos; 2. The damages to an improvement to real property are caused by asbestos or a product that contains asbestos; 3. The improvement first became available for its intended use after July 1, 1953; 4. The improvement: <ol style="list-style-type: none"> A. Is owned by a governmental entity and used for a public purpose; or 		

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	<p>B. Is a public or private institution of elementary, secondary, or higher education; and</p> <p>5. The complaint is filed by July 1, 1993.</p> <p>(e) When action accrues. -- A cause of action for an injury described in this section accrues when the injury or damage occurs.</p> <p>Md. Code Ann., Cts. & Jud. Proc. § 5-108 (LexisNexis 2018) (emphasis by bold added).</p>		
Massachusetts MA	<p>Action of tort for damages arising out of any deficiency or neglect in the design, planning, construction or general administration of an improvement to real property, other than that of a public agency as defined in section thirty-nine A of chapter seven shall be commenced only within three years next after the cause of action accrues; provided, however, that in no event shall such actions be commenced more than six years after the earlier of the dates of: (1) the opening of the improvement to use; or (2) substantial completion of the improvement and the taking of possession for occupancy by the owner.</p> <p>Actions of tort for damages arising out of any deficiency or neglect in the design, planning, construction, or general administration of an</p>	<p><i>Klein v. Catalano</i>, 437 N.E.2d 514, 518, 526 (Mass. 1982) (statute of repose barred claims for negligence and breach of warranty against architect where suit was filed more than six years after completion of design work).</p> <p><i>Tindol v. Boston Housing Authority</i>, 487 N.E.2d 488, 490 (Mass. 1986) (statute of repose barred negligence claims against architects and engineers where suit was filed more than six years after construction of building was completed; causes of action were not tolled due to minor status of injured plaintiff).</p>	<p>Negligent Design Action for improvement to real property other than a public agency: within 3 years after the cause of action accrues Mass. Ann. Laws ch. 260, § 2B (LexisNexis 2018)</p> <p>Negligent Design Action for improvement to real property of a public agency: within 3 years after the cause of action accrues Mass. Ann. Laws ch. 260, § 2B (LexisNexis 2018)</p> <p>Breach of Contracts Under Seal: 20 years Mass. Ann. Laws ch. 260, § 1 (LexisNexis 2018).</p>

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	<p>improvement to real property of a public agency, as defined in said section thirty-nine A shall be commenced only within three years next after the cause of action accrues; provided, however, that in no event shall actions be commenced more than six years after the earlier of the dates of: (1) official acceptance of the project by the public agency; (2) the opening of the real property to public use; (3) the acceptance by the contractor of a final estimate prepared by the public agency pursuant to chapter thirty, section thirty-nine G; or (4) substantial completion of the work and the taking possession for occupancy by the awarding authority.</p> <p>Mass. Ann. Laws ch. 260, § 2B (LexisNexis 2018) (emphasis by bold added).</p>		<p>Breach of Contract: within 6 years after the cause of action accrues Mass. Ann. Laws ch. 260, § 2 (LexisNexis 2018).</p>
Michigan MI	<p>(1) A person shall not maintain an action to recover damages for injury to property, real or personal, or for bodily injury or wrongful death, arising out of the defective or unsafe condition of an improvement to real property, or an action for contribution or indemnity for damages sustained as a result of such injury, against any state licensed architect or professional engineer performing</p>	<p><i>Bouser v. Lincoln Park</i>, 268 N.W.2d 332, 332-34 (Mich. Ct. App. 1978), <i>aff'd</i>, 299 N.W.2d 336 (Mich. 1980) (finding that personal injury action against licensed architect in connection with construction of sidewalk and curb over which plaintiff tripped and sustained more than 10 years after construction was barred by statute of repose precluding personal injury</p>	<p>Malpractice: 2 years Mich. Comp. Laws Serv. § 600.5805(13) (LexisNexis 2018).</p> <p>Property Damage: 3 years Mich. Comp. Laws Serv. § 600.5805(2) (LexisNexis 2018).</p> <p>Personal Injury: 3 years</p>

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	<p>or furnishing the design or supervision of construction of the improvement, or against any contractor making the improvement, unless the action is commenced within either of the following periods:</p> <p>(a) Six years after the time of occupancy of the completed improvement, use, or acceptance of the improvement.</p> <p>(b) If the defect constitutes the proximate cause of the injury or damage for which the action is brought and is the result of gross negligence on the part of the contractor or licensed architect or professional engineer, 1 year after the defect is discovered or should have been discovered. However, an action to which this subdivision applies shall not be maintained more than 10 years after the time of occupancy of the completed improvement, use, or acceptance of the improvement.</p> <p>(2) A person shall not maintain an action to recover damages based on error or negligence of a licensed professional surveyor in the preparation of a survey or report more than 6 years after the survey or report is recorded or is delivered to the person for whom it was made or the person's agent.</p> <p>(3) As used in this section:</p>	<p>action against licensed architect more than six years after acceptance of improvement in question, even though injury did not occur until more than six years after acceptance of injury-causing improvement).</p> <p><i>United House of Prayer for all People v. United Bldg. Constr., Inc.</i>, 428 F. Supp. 2d 688, 696-97 (E.D. Mich. 2006) (finding plaintiffs negligence action against contractor arising out of a fire at the church was statute of repose barred plaintiff's claims against the contractor because plaintiffs sue the contractor seven years after the inaugural church service).</p>	<p>Mich. Comp. Laws Serv. § 600.5805(2) (LexisNexis 2018).</p> <p>Breach of Contract: 6 years Mich. Comp. Laws Serv. § 600.5807(9) (LexisNexis 2018).</p>

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	<p>(a) “Contractor” means an individual, corporation, partnership, or other business entity that makes an improvement to real property.</p> <p>(b) “State licensed architect or professional engineer” or “licensed professional surveyor” means an individual so licensed, or a corporation, partnership, or other business entity on behalf of whom the state licensed architect or professional engineer or licensed professional surveyor is performing or directing the performance of the architectural, professional engineering, or land surveying service.</p> <p>(4) The amendments to this section made by the 2011 amendatory act that added this subsection apply to causes of action that accrue on or after the effective date of that amendatory act.</p> <p>Mich. Comp. Laws Serv. § 600.5839 (LexisNexis 2018) (emphasis by bold added).</p>		
Minnesota MN	<p>(a) Except where fraud is involved, no action by any person in contract, tort, or otherwise to recover damages for any injury to property, real or personal, or for bodily injury or wrongful death, arising out of the defective and unsafe condition of an improvement to</p>	<p><i>O’Brien v. U.O.P., Inc.</i>, 701 F. Supp. 714, 716 (D. Minn. 1988) (finding that two-year limitations period in statute of repose began to run on the date the defects became apparent and was not tolled by a prior fraudulent concealment).</p>	<p>Property Damage: 6 years Minn. Stat. § 541.05(1)(4) (2018).</p> <p>Personal Injury: 2 years Minn. Stat. § 541.07(1) (2018).</p>

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	<p>real property, shall be brought against any person performing or furnishing the design, planning, supervision, materials, or observation of construction or construction of the improvement to real property or against the owner of the real property more than two years after the cause of action accrues, as specified in paragraph (c), nor in any event shall such a cause of action accrue more than ten years after substantial completion of the construction. Date of substantial completion shall be determined by the date when construction is sufficiently completed so that the owner or the owner's representative can occupy or use the improvement for the intended purpose.</p> <p>(b) Notwithstanding paragraph (a), an action for contribution or indemnity arising out of the defective and unsafe condition of an improvement to real property may be brought no later than two years after the cause of action for contribution or indemnity has accrued, regardless of whether it accrued before or after the ten-year period referenced in paragraph (a), provided that in no event may an action for contribution or indemnity be brought more than 14 years after substantial completion of the construction.</p>	<p><i>Metro. Life Ins. v. M.A. Mortenson Cos., 545 N.W.2d 394, 401 (Minn. Ct. App. 1996) (finding that statute of repose barred plaintiff's breach of contract claim against the general contractor, architect, installer, and suppliers because the breach had been discovered by the plaintiff more than two years before the action was filed).</i></p>	<p>Breach of Contract: 6 years; Minn. Stat. Ann. § 541.05(1)(1) (2018).</p>

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	<p>(c) For purposes of determining only when the statute of limitations begins to run pursuant to paragraph (a), a cause of action accrues: (1) for a bodily injury or wrongful death action, upon discovery of the injury; and (2) for an action for injury to real or personal property, upon discovery of the injury, but in no event does a cause of action accrue earlier than substantial completion, termination, or abandonment of the construction or the improvement to real property. For purposes of paragraph (b), a cause of action for contribution or indemnity accrues upon the earlier of commencement of the action against the party seeking contribution or indemnity, or payment of a final judgment, arbitration award, or settlement arising out of the defective and unsafe condition.</p> <p>(d) Nothing in this section shall apply to actions for damages resulting from negligence in the maintenance, operation or inspection of the real property improvement against the owner or other person in possession.</p> <p>(e) The limitations prescribed in this section do not apply to the manufacturer or supplier of any equipment or machinery installed upon real property.</p>		

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	<p>Subd. 2. Action allowed; limitation. — Notwithstanding the provisions of subdivision 1, paragraph (a), in the case of a cause of action described in subdivision 1, paragraph (a), which accrues during the ninth or tenth year after substantial completion of the construction, an action to recover damages may be brought within two years after the date on which the cause of action accrued, but in no event may such an action be brought more than 12 years after substantial completion of the construction. Nothing in this subdivision shall limit the time for bringing an action for contribution or indemnity.</p> <p>Subd. 3. Not construed. — Nothing in this section shall be construed as extending the period prescribed by the laws of this state for the bringing of any action.</p> <p>Subd. 4. Applicability. — For the purposes of actions based on breach of the statutory warranties set forth in section 327A.02, or to actions based on breach of an express written warranty, such actions shall be brought within two years of the discovery of the breach. In the case of an action under section 327A.05, which accrues during the ninth or tenth year after the warranty date, as defined in section 327A.01, subdivision 8, an action</p>		

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	<p>may be brought within two years of the discovery of the breach, but in no event may an action under section 327A.05 be brought more than 12 years after the effective warranty date. An action for contribution or indemnity arising out of actions described in this subdivision may be brought no later than two years after the earlier of commencement of the action against the party seeking contribution or indemnity, or payment of a final judgment, arbitration award, or settlement arising out of the breach, provided that in no event may an action for contribution or indemnity arising out of an action described in section 327A.05 be brought more than 14 years after the effective warranty date.</p> <p>Minn. Stat. § 541.051 (2018) (emphasis by bold added).</p>		
Mississippi MS	<p>No action may be brought to recover damages for injury to property, real or personal, or for an injury to the person, arising out of any deficiency in the design, planning, supervision or observation of construction, or construction of an improvement to real property, and no action may be brought for contribution or indemnity</p>	<p><i>J. Criss Builder, Inc. v. White</i>, 35 So. 3d 541, 543-44, (Miss. Ct. App. 2009), <i>cert. denied</i>, 34 So. 3d 1176 (Miss. 2010) (finding that homeowner’s claims against builder were not barred because statute of repose time limitation did not commence until the builder was no longer in possession of the house and</p>	<p>Property Damage: within 3 years after the cause of action accrued Miss. Code Ann. § 15-1-49 (2018).</p>

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	<p>for damages sustained on account of such injury except by prior written agreement providing for such contribution or indemnity, against any person, firm or corporation performing or furnishing the design, planning, supervision of construction or construction of such improvement to real property more than six (6) years after the written acceptance or actual occupancy or use, whichever occurs first, of such improvement by the owner thereof. This limitation shall apply to actions against persons, firms and corporations performing or furnishing the design, planning, supervision of construction or construction of such improvement to real property for the State of Mississippi or any agency, department, institution or political subdivision thereof as well as for any private or nongovernmental entity.</p> <p>This limitation shall not apply to any person, firm or corporation in actual possession and control as owner, tenant or otherwise of the improvement at the time the defective and unsafe condition of such improvement causes injury.</p> <p>This limitation shall not apply to actions for wrongful death.</p> <p>The provisions of this section shall only apply to causes of action accruing from and after</p>	<p>homeowners had filed complaint within six years of purchasing home).</p> <p><i>Scheinblum v. Lauderdale County Bd. Of Supervisors</i>, 350 F. Supp. 2d 743, 746-48 (S.D. Miss. 2004) (finding that the statute of repose did not entitle the county board and engineers to dismissal of landowners' claims for damages allegedly sustained as a result of the board's and engineer's negligence more than 6 years earlier in reviewing and approving the subdivision map for a subdivision that flooded because the subdivision map did not constitute an improvement to real property).</p>	<p>Personal Injury: within 3 years after the cause of action accrued Miss. Code Ann. § 15-1-49 (2018).</p> <p>Breach of Written Contract: within 3 years after the cause of action accrued Miss. Code Ann. § 15-1-49 (2018).</p> <p>Breach of Oral Contract: within 3 years after the cause of such action accrued Miss. Code Ann. § 15-1-29 (2018).</p>

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	<p>January 1, 1986; and any cause of action accruing prior to January 1, 1986, shall be governed by Chapter 350, Laws of 1972.</p> <p>Miss. Code Ann. § 15-1-41 (2018) (emphasis by bold added).</p>		
Missouri MO	<p>1. Any action to recover damages for economic loss, personal injury, property damage or wrongful death arising out of a defective or unsafe condition of any improvement to real property, including any action for contribution or indemnity for damages sustained on account of the defect or unsafe condition, shall be commenced within ten years of the date on which such improvement is completed.</p> <p>2. This section shall only apply to actions against any person whose sole connection with the improvement is performing or furnishing, in whole or in part, the design, planning or construction, including architectural, engineering or construction services, of the improvement.</p> <p>3. If any action is commenced against any person specified by subsection 2 of this section, such person may, within one year of the date of the filing of such action, notwithstanding the provisions of subsection</p>	<p><i>Thompson v. Higginbotham</i>, 187 S.W.3d 3, 6-10 (Mo. Ct. App. 2006) (finding that statute of repose did not bar the homeowner’s claim for bodily injuries, arising from a collapsed balcony, against builder that constructed apartment building 11 years earlier because there were sufficient facts to show a connection of the builder to the unsafe or defective condition of the building giving rise to liability other than as the builder or designer of the balcony).</p> <p><i>Fueston v. Burns & McDonnell Eng’g Co.</i>, 877 S.W.2d 631, 637-38 (Mo. Ct. App. 1994) (finding that the statute of repose barred plaintiff’s bodily injury claims arising from an improvement on the property because the improvement was completed more than 10 years before the alleged injuries occurred).</p>	<p>Property Damage: within 5 years Mo. Rev. Stat. § 516.120(4) (2018).</p> <p>Personal Injury: within 5 years Mo. Rev. Stat. § 516.120(4) (2018).</p> <p>Breach of Contract: within 5 years Mo. Rev. Stat. § 516.120(1) (2018).</p>

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	<p>1 of this section, commence an action or a third party action for contribution or indemnity for damages sustained or claimed in any action because of economic loss, personal injury, property damage or wrongful death arising out of a defective or unsafe condition of any improvement to real property.</p> <p>4. This section shall not apply:</p> <p>(1) If an action is barred by another provision of law;</p> <p>(2) If a person conceals any defect or deficiency in the design, planning or construction, including architectural, engineering or construction services, in an improvement for real property, if the defect or deficiency so concealed directly results in the defective or unsafe condition for which the action is brought;</p> <p>(3) To limit any action brought against any owner or possessor of real estate or improvements on such real estate.</p> <p>5. The statute of limitation for buildings completed on August 13, 1976, shall begin to run on August 13, 1976, and shall be for the time specified in this section.</p> <p>6. Notwithstanding subsection 1 of this section, if an occupancy permit is issued, the</p>		

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	<p>ten-year period shall commence on the date the occupancy permit is issued.</p> <p>Mo. Rev. Stat. § 516.097 (2018) (emphasis by bold added).</p>		
<p>Montana MT</p>	<p>(1) Except as provided in 70-19-427(1) and subsections (2) and (3) of this section, an action to recover damages (other than an action upon any contract, obligation, or liability founded upon an instrument in writing) resulting from or arising out of the design, planning, supervision, inspection, construction, or observation of construction of any improvement to real property or resulting from or arising out of land surveying of real property may not be commenced more than 10 years after completion of the improvement or land surveying.</p> <p>(2) Notwithstanding the provisions of subsection (1), an action for damages for an injury that occurred during the 10th year after the completion of the improvement or land surveying may be commenced within 1 year after the occurrence of the injury.</p> <p>(3) The limitation prescribed by this section may not affect the responsibility of any owner, tenant, or person in actual possession and control of the improvement or real</p>	<p><i>Hill County High Sch. Dist. No. A. v Dick Anderson Constr., Inc.</i>, 390 P.3d 602, 604-608 (Mont. 2017) (finding the statute of repose barred the school district’s tort claims against the contractor because the roof at issue was completed nearly 12 years before suit was filed and reasoning that the statute does not require that an improvement be finished to the owner’s final satisfaction but requires instead that the improvement can be used for its intended purpose).</p> <p><i>Hein v. Sott</i>, 353 P.3d 494 (Mont. 2015) (finding that the homeowner’s negligence claims against a contractor for failure to properly vent the roof were barred by the 10-year statute of repose because the owner waited over 13 years to file suit).</p>	<p>Property Damage: within 2 years Mont. Code Ann. § 27-2-207 (2017).</p> <p>Personal Injury: within 3 years Mont. Code Ann. § 27-2-204 (2017).</p> <p>Breach of Oral Contract: within 5 years Mont. Code Ann. § 27-2-202 (2017).</p> <p>Breach of Written Contract: within 8 years Mont. Code Ann. § 27-2-202 (2017).</p>

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	<p>property that is surveyed at the time a right of action arises.</p> <p>(4) As used in this section:</p> <p>(a) “completion” means that degree of completion at which the owner can utilize the improvement for the purpose for which it was intended or when a completion certificate is executed, whichever is earlier;</p> <p>(b) “land surveying” means the practice of land surveying, as defined in 37-67-101.</p> <p>(5) This section may not be construed as extending the period prescribed by the laws of this state for the bringing of any action.</p> <p>Mont. Code Ann. § 27-2-208 (2017) (emphasis by bold added).</p>		
Nebraska NE	<p>Any action to recover damages based on any alleged breach of warranty on improvements to real property or based on any alleged deficiency in the design, planning, supervision, or observation of construction, or construction of an improvement to real property shall be commenced within four years after any alleged act or omission constituting such breach of warranty or deficiency. If such cause of action is not discovered and could not be reasonably discovered within such four-year period, or</p>	<p><i>Adams v. Manchester Park, LLC.</i>, 871 N.W.2d 215, 218-220 (Neb. 2015) (finding that statute barred the plaintiffs action brought against the home builder because the lawsuit was not filed within the 4-year limitations period of the statute and the discovery rule exception could not save the action because the homeowners had discovered the defects more than 2 years earlier).</p>	<p>Personal Injury and Property Damage: within 4 years Neb. Rev. Stat. Ann. § 25-207 (LexisNexis 2018)</p> <p>Personal Injury: within 4 years Neb. Rev. Stat. Ann. § 25-223 (LexisNexis 2018).</p> <p>Breach of Oral Contract: within 6 years</p>

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	<p>within one year preceding the expiration of such four-year period, then the cause of action may be commenced within two years from the date of such discovery or from the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier. In no event may any action be commenced to recover damages for an alleged breach of warranty on improvements to real property or deficiency in the design, planning, supervision, or observation of construction, or construction of an improvement to real property more than ten years beyond the time of the act giving rise to the cause of action.</p> <p>Neb. Rev. Stat. Ann. § 25-223 (LexisNexis 2018) (emphasis by bold added).</p>	<p><i>Durre v. Wilkinson Dev., Inc.</i>, 830 N.W.2d 72, 76-78 (Neb. 2013) (finding that plaintiff's personal injury and wrongful death action against the signage company were barred by the 10-year statute of repose because action was commenced more than 10 years after the completion and installation of the sign).</p>	<p>Neb. Rev. Stat. Ann. § 25-206 (LexisNexis 2018).</p> <p>Breach of Written Contract: within 5 years Neb. Rev. Stat. Ann. § 25-205 (LexisNexis 2018).</p>
Nevada NV	<p>11.202. Actions for damages for injury or wrongful death caused by deficiency in construction of improvements to real property.</p> <p>1. No action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than 6 years after the</p>	<p><i>Dykema v. Del Webb Cmtys., Inc.</i> 385 P.3d 977 (Nev. 2016) (noting that the 2015 Legislature repealed N.R.S 11.203-11.205, providing for six-, eight-, and ten-year statutes of repose for construction defect claims, leaving such claims governed by N.R.S 11.202, which provides for a six-year statute of repose.).</p>	<p>Property Damage: within 3 years Nev. Rev. Stat. Ann. § 11.190(3) (LexisNexis 2017).</p> <p>Personal Injury: within 2 years; Nev. Rev. Stat. Ann. § 11.190(4) (LexisNexis 2017).</p>

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	<p>substantial completion of such an improvement, for the recovery of damages for:</p> <p>(a) Any deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement; (b) Injury to real or personal property caused by any such deficiency; or (c) Injury to or the wrongful death of a person caused by any such deficiency.</p> <p>2. The provisions of this section do not apply :</p> <p>(a) To a claim for indemnity or contribution. (b) In an action brought against:</p> <p>(1) The owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodging house in this State on account of his or her liability as an innkeeper. (2) Any person on account of a defect in a product.</p> <p>Nev. Rev. Stat. Ann. § 11.202 (LexisNexis 2017) (emphasis by bold added).</p>		<p>Breach of Oral Contract: within 4 years Nev. Rev. Stat. Ann. § 11.190(3) (LexisNexis 2017).</p> <p>Breach of Written Contract: within 6 years Nev. Rev. Stat. Ann. § 11.190(1) (LexisNexis 2017).</p>
New Hampshire NH	<p>I. Except as otherwise provided in this section, all actions to recover damages for injury to property, injury to the person, wrongful death or economic loss arising out of any deficiency in the creation of an improvement to real property, including without limitation the design, labor,</p>	<p><i>Lamprey v. Britton Constr.</i>, 37 A.3d 359, 365-69 (N.H. 2012) (finding that plaintiff homeowner’s action against defendants, an architect, a general contractor, and a mason, for negligence and breaches of warranty in her home’s construction was barred by the statute of repose because</p>	<p>Property Damage: within 3 years N.H. Rev. Stat. Ann. § 508:4 (LexisNexis 2018).</p>

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	<p>materials, engineering, planning, surveying, construction, observation, supervision or inspection of that improvement, shall be brought within 8 years from the date of substantial completion of the improvement, and not thereafter.</p> <p>II. The term “substantial completion” means that construction is sufficiently complete so that an improvement may be utilized by its owner or lawful possessor for the purposes intended. In the case of a phased project with more than one substantial completion date, the 8-year period of limitations for actions involving systems designed to serve the entire project shall not begin until all phases of the project are substantially complete.</p> <p>III. If an improvement to real property is expressly warranted or guaranteed in writing for a period longer than 8 years, the period of limitation set out in paragraph I shall extend to equal the longer period of warranty or guarantee.</p> <p>IV. In all actions for negligence in design or construction described in paragraph I, the standard of care used to determine negligence shall be the standard of care applicable to the activity giving rise to the cause of action at the time the activity was</p>	<p>plaintiff filed suit more than eight years later, but also finding trial court erred by not permitting the plaintiff to amend her writ to add fraudulent concealment allegations related to the bent masonry ties that concealed defects in her home’s stone veneer).</p> <p><i>Ingram v. Drouin</i>, 111 A.3d 1104, 1106-10 (N.H. 2015) (Plaintiff’s claims, brought more than eight years after their home’s construction was completed, were barred by the statute of repose, which applies when a builder-owner is sued for his construction-related activities).</p>	<p>Personal Injury: within 3 years; N.H. Rev. Stat. Ann. § 508:4 (LexisNexis 2018).</p> <p>Breach of Contracts Under Seal: within 20 years after the cause of action accrued N.H. Rev. Stat. Ann. § 508:5 (LexisNexis 2018).</p>

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	<p>performed, rather than a standard applicable to a later time.</p> <p>V.</p> <p>(a) The limitation set out in paragraph I shall not apply to actions involving fraudulent misrepresentations, or to actions involving the fraudulent concealment of material facts upon which a claim might be based. Such actions shall be brought within 8 years after the date on which all relevant facts are, or with due care ought to be, discovered by the person bringing the action.</p> <p>(b) The 8-year limitation period in paragraph I shall not apply to actions arising out of any deficiency in the design, labor, materials, planning, engineering, surveying, observation, supervision, inspection or construction of improvements which are for nuclear power generation, nuclear waste storage, or the long-term storage of hazardous materials.</p> <p>VI. Nothing in this section shall affect the liabilities of a person having actual possession or control of an improvement to real property as owner or lawful possessor thereof, and nothing contained in this section shall alter or amend the time within which an action in tort may be brought for damages arising out of</p>		

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	negligence in the repair, maintenance or upkeep of an improvement to real property. N.H. Rev. Stat. Ann. § 508:4-b (LexisNexis 2018) (emphasis by bold added).		
New Jersey NJ	a. No action, whether in contract, in tort, or otherwise, to recover damages for any deficiency in the design, planning, surveying, supervision or construction of an improvement to real property, or for any injury to property, real or personal, or for an injury to the person, or for bodily injury or wrongful death, arising out of the defective and unsafe condition of an improvement to real property, nor any action for contribution or indemnity for damages sustained on account of such injury, shall be brought against any person performing or furnishing the design, planning, surveying, supervision of construction or construction of such improvement to real property, more than 10 years after the performance or furnishing of such services and construction. This limitation shall serve as a bar to all such actions, both governmental and private, but shall not apply to actions against any person in actual possession and control as owner, tenant, or otherwise, of the improvement at	<i>Greczyn v. Colgate-Palmolive</i> , 869 A.2d 866, 868-75 (N.J. 2005) (reversing summary judgment finding that plaintiffs' negligence action against architectural firm was barred because it was filed more than one year beyond the 10-year limit providing in statute of repose and finding that the trial court had to consider whether she had been diligent in explicitly naming it as a defendant in filing her amended complaint). <i>Stix v. Greenway Dev. Co.</i> , 447 A.2d 577, 577-79 (N.J. Super. Ct. App. Div. 1982) (finding homeowner's suit against developer for negligent construction after foundation wall bucked and collapsed 17 years after the foundation was constructed was barred by the 10-year statute of limitations).	Property Damage: within 6 years after the cause of action shall have accrued N.J. Stat. Ann. § 2A:14-1 (2018). Personal Injury: within 2 years after the cause of action shall have accrued N.J. Stat. Ann. § 2A:14-2 (2018). Breach of Contract: within 6 years after the cause of action shall have accrued N.J. Stat. Ann. § 2A:14-1 (2018).

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	<p>the time the defective and unsafe condition of such improvement constitutes the proximate cause of the injury or damage for which the action is brought.</p> <p>b. This section shall not bar an action by a governmental unit:</p> <p>(1) on a written warranty, guaranty or other contract that expressly provides for a longer effective period;</p> <p>(2) based on willful misconduct, gross negligence or fraudulent concealment in connection with performing or furnishing the design, planning, supervision or construction of an improvement to real property;</p> <p>(3) under any environmental remediation law or pursuant to any contract entered into by a governmental unit in carrying out its responsibilities under any environmental remediation law; or</p> <p>(4) Pursuant to any contract for application, enclosure, removal or encapsulation of asbestos.</p> <p>c. As used in this section: "Asbestos" shall have the meaning as defined in subsection a. of section 3 of P.L. 1984, c. 173 (C. 34:5A-34) and any regulations adopted pursuant thereto. "Environmental remediation law" means chapter 10B of Title 58 of the Revised</p>		

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	<p>Statutes (C. 58:10B-1 et seq.) and any regulations adopted pursuant thereto. “Governmental” means the State, its political subdivisions, any office, department, division, bureau, board, commission or public authority or public agency of the State or one of its political subdivisions, including but not limited to, a county or a municipality and any board, commission, committee, authority or agency which is not a State board, commission, committee, authority or agency.</p> <p>N.J. Stat. Ann. § 2A:14-1.1 (2018) (emphasis by bold added).</p>		
New Mexico NM	<p>No action to recover damages for any injury to property, real or personal, or for injury to the person, or for bodily injury or wrongful death, arising out of the defective or unsafe condition of a physical improvement to real property, nor any action for contribution or indemnity for damages so sustained, against any person performing or furnishing the construction or the design, planning, supervision, inspection or administration of construction of such improvement to real property, and on account of such activity, shall be brought after ten years from the date of substantial completion of such improvement; provided this limitation shall</p>	<p><i>Damon v. Vista Del Norte Dev., LLC</i>, 381 P.3d 679, 681-83 (N.M. Ct. App. 2016) (Home buyer’s complaint against a real estate subdivision developer was barred because the complaint was brought more than ten years after a city’s issuance of its certificate of completion and acceptance of the infrastructure improvements to the subdivision that were made by the developer pursuant to an agreement with the city.).</p> <p><i>Delgadillo v. Socorro</i>, 723 P.2d 245, 246-48 (N.M. 1986) (Summary judgment was properly granted to third-party defendant</p>	<p>Property Damage: within 4 years N.M. Stat. Ann. § 37-1-4 (LexisNexis 2018).</p> <p>Personal Injury: within 3 years; N.M. Stat. Ann. § 37-1-8 (LexisNexis 2018).</p> <p>Breach of Oral Contract: within 4 years N.M. Stat. Ann. § 37-1-4 (LexisNexis 2018).</p>

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	<p>not apply to any action based on a contract, warranty or guarantee which contains express terms inconsistent herewith. The date of substantial completion shall mean the date when construction is sufficiently completed so that the owner can occupy or use the improvement for the purpose for which it was intended, or the date on which the owner does so occupy or use the improvement, or the date established by the contractor as the date of substantial completion, whichever date occurs last.</p> <p>N.M. Stat. Ann. § 37-1-27 (LexisNexis 2018) (emphasis by bold added).</p>	<p>construction company where the gas line replacement and relocation done by the construction company constituted a physical improvement to real property.).</p>	<p>Breach of Written Contract: within 6 years N.M. Stat. Ann. § 37-1-3 (LexisNexis 2018).</p>
New York NY	<p>None. but see N.Y. C.P.L.R. § 214-d (Consol. 2018)</p> <p>§ 214-d. Limitations on certain actions against licensed engineers and architects</p> <p>1. Any person asserting a claim for personal injury, wrongful death or property damage, or a cross or third-party claim for contribution or indemnification arising out of an action for personal injury, wrongful death or property damage, against a licensed architect, engineer, land surveyor or landscape architect or against a partnership, professional corporation or limited liability</p>	<p><i>Kretschmann v. Board of Educ.</i>, 294 A.D.2d 39 (N.Y. App. Div. 2002) (After an injured party's action against an architectural firm was properly dismissed because of her failure to give the firm a notice of claim required by N.Y. C.P.L.R. 214-d(1), she was allowed to file a second action within six months, under N.Y. C.P.L.R. 205(a), after giving the proper notice, because the giving of that notice was not jurisdictional.).</p> <p><i>City Sch. Dist. V. Hugh Stubbins & Assocs.</i>, 650 N.E.2d 399 (N.Y. 1995) (School</p>	<p>Property Damage: within 3 years N.Y. C.P.L.R. § 214 (Consol. 2018).</p> <p>Personal Injury: within 3 years N.Y. C.P.L.R. § 214 (Consol. 2018).</p> <p>Breach of Contract: within 6 years N.Y. C.P.L.R. § 213 (Consol. 2018).</p>

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	<p>company lawfully practicing architecture, engineering, land surveying or landscape architecture which is based upon the professional performance, conduct or omission by such licensed architect, engineer, land surveyor or landscape architect or such firm occurring more than ten years prior to the date of such claim, shall give written notice of such claim to each such architect, engineer, land surveyor or landscape architect or such firm at least ninety days before the commencement of any action or proceeding against such licensed architect, engineer, land surveyor or landscape architect or such firm including any cross or third-party action or claim. The notice of claim shall identify the performance, conduct or omissions complained of, on information and belief, and shall include a request for general and special damages. Service of such written notice of claim may be made by any of the methods permitted for personal service of a summons upon a natural person, partnership or professional corporation. A notice of claim served in accordance with this section shall be filed, together with proof of service thereof, in any court of this state in which an action, proceeding or cross or third-party claim arising out of such conduct may</p>	<p>district's complaint against architects and others was time barred because owner's cause of action accrued against a builder upon completion of construction.).</p>	

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	<p>be commenced or interposed, within thirty days of the service of the notice of claim. Upon the filing of any such notice of claim, a county clerk shall collect an index number fee in accordance with section eight thousand eighteen of this chapter and an index number shall be assigned.</p> <p>2. In such pleadings as are subsequently filed in any court, each party shall represent that it has fully complied with the provisions of this section.</p> <p>3. Service of a notice as provided in this section shall toll the applicable statute of limitations to and including a period of one hundred twenty days following such service.</p> <p>4. From and after the date of service of the notice provided for in subdivision one of this section, the claimant shall have the right to serve a demand for discovery and production of documents and things for inspection, testing, copying or photographing in accordance with rule three thousand one hundred twenty of this chapter. Such demand shall be governed by the procedures of article thirty-one of this chapter. In addition, the claimant shall have the right to the examination before trial of such licensed architect, engineer, land surveyor or landscape architect or such firm or to serve</p>		

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	<p>written interrogatories upon such licensed architect, engineer, land surveyor or landscape architect or such firm after service of and compliance with a demand for production and inspection in accordance with this section. The court may, at any time at its own initiative or on motion of such licensed architect, engineer, land surveyor or landscape architect or such firm deny, limit, condition or restrict such examination before trial or written interrogatories upon a showing that such claimant has failed to establish reasonable necessity for the information sought or failed to establish that the information sought by such examination or interrogatories cannot reasonably be determined from the documents or things provided in response to a demand for production and inspection served in accordance with this section. Such examination before trial or interrogatories shall otherwise be governed by article thirty-one of this chapter.</p> <p>5. After the expiration of ninety days from service of the notice provided in subdivision one of this section, the claimant may commence or interpose an action, proceeding or cross or third-party claim against such licensed architect, engineer, land surveyor or</p>		

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	<p>landscape architect or such firm. The action shall proceed in every respect as if the action were one brought on account of conduct occurring less than ten years prior to the claim described in said action, unless the defendant architect, engineer, land surveyor or landscape architect or such firm shall have made a motion under rule three thousand two hundred eleven or three thousand two hundred twelve of this chapter, in which event the action shall be stayed pending determination of the motion. Such motion shall be granted upon a showing that such claimant has failed to comply with the notice of claim requirements of this section or for the reasons set forth in subdivision (h) of rule three thousand two hundred eleven or subdivision (i) of rule three thousand two hundred twelve of this chapter; provided, however, such motion shall not be granted if the moving party is in default of any disclosure obligation as set forth in subdivision four of this section.</p> <p>6. No claim for personal injury, or wrongful death or property damage, or a cross or third-party claim for contribution or indemnification arising out of an action for personal injury, wrongful death or property damage may be asserted against a licensed</p>		

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	<p>architect, engineer, land surveyor or landscape architect or such firm arising out of conduct by such licensed architect, engineer, land surveyor or landscape architect or such firm occurring more than ten years prior to the accrual of such claim shall be commenced or interposed against any such licensed architect, engineer, land surveyor or landscape architect or such firm unless it shall appear by and as an allegation in the complaint or necessary moving papers that the claimant has complied with the requirements of this section. Upon the commencement of such a proceeding or action or interposition of such cross or third-party claim, a county clerk shall not be entitled to collect an index number fee and such action, proceeding or cross or third-party claim shall retain the previously assigned index number. Such action, proceeding or cross or third-party claim shall otherwise be governed by the provisions of this chapter.</p> <p>7. The provisions of this section shall apply only to a licensed architect, engineer, land surveyor or landscape architect or such firm practicing architecture, engineering, land surveying or landscape architecture in the state of New York at the time the conduct</p>		

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	<p>complained of occurred and shall not apply to any person or entity, including but not limited to corporations, which was not licensed as an architect, engineer, land surveyor or landscape architect or such firm in this state or to a firm not lawfully practicing architecture, engineering, land surveying or landscape architecture at the time the conduct complained of occurred.</p> <p>8. The provisions of this section shall not be construed to in any way alter or extend any applicable statutes of limitations except as expressly provided herein.</p> <p>N.Y. C.P.L.R. § 214-d (Consol. 2018) (emphasis by bold added).</p>		
North Carolina NC	<p>(a) Within six years an action -- ...</p> <p>(5) a. No action to recover damages based upon or arising out of the defective or unsafe condition of an improvement to real property shall be brought more than six years from the later of the specific last act or omission of the defendant giving rise to the cause of action or substantial completion of the improvement.</p> <p>b. For purposes of this subdivision, an action based upon or arising out of the defective or</p>	<p><i>Davis v. Woodlake Partners, LLC, 748 S.E.2d 762, 766-67 (N.C. Ct. App. 2013)</i> (Purchasers’ breach of contract for seller’s failure to construct improvements to release was not barred by the six-year statute of repose set out in N.C.G.S. § 1-50(a)(5) because the complaint was filed within six years of the date upon which the facilities specified in the parties’ infrastructure agreement were supposed to have been constructed.).</p>	<p>Property Damage: within 3 years N.C. Gen. Stat. § 1-52 (2018).</p> <p>Personal Injury: within 3 years N.C. Gen. Stat. § 1-52 (2018).</p> <p>Breach of Contract: within 3 years N.C. Gen. Stat. § 1-52 (2018).</p>

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	<p>unsafe condition of an improvement to real property includes:</p> <ol style="list-style-type: none"> 1. Actions to recover damages for breach of a contract to construct or repair an improvement to real property; 2. Actions to recover damages for the negligent construction or repair of an improvement to real property; 3. Actions to recover damages for personal injury, death or damage to property; 4. Actions to recover damages for economic or monetary loss; 5. Actions in contract or in tort or otherwise; 6. Actions for contribution indemnification for damages sustained on account of an action described in this subdivision; 7. Actions against a surety or guarantor of a defendant described in this subdivision; 8. Actions brought against any current or prior owner of the real property or improvement, or against any other person having a current or prior interest therein; 9. Actions against any person furnishing materials, or against any person who develops real property or who performs or furnishes the design, plans, specifications, surveying, supervision, testing or observation of construction, or construction of an 	<p><i>Conway v. Hi-Tech Eng'g, Inc.</i>, 381 S.W.3d 56, 61-66 (Ark. 2011) (affirming summary judgment in favor of the designer and seller in the mother's action for damages resulting from the death of her son because her negligence claim was untimely under statute of repose N.C.G.S. § 1-50(a)(5)).</p>	

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	<p>improvement to real property, or a repair to an improvement to real property.</p> <p>c. For purposes of this subdivision, "substantial completion" means that degree of completion of a project, improvement or specified area or portion thereof (in accordance with the contract, as modified by any change orders agreed to by the parties) upon attainment of which the owner can use the same for the purpose for which it was intended. The date of substantial completion may be established by written agreement.</p> <p>d. The limitation prescribed by this subdivision shall not be asserted as a defense by any person in actual possession or control, as owner, tenant or otherwise, of the improvement at the time the defective or unsafe condition constitutes the proximate cause of the injury or death for which it is proposed to bring an action, in the event such person in actual possession or control either knew, or ought reasonably to have known, of the defective or unsafe condition.</p> <p>e. The limitation prescribed by this subdivision shall not be asserted as a defense by any person who shall have been guilty of fraud, or willful or wanton negligence in furnishing materials, in developing real property, in performing or furnishing the</p>		

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	<p>design, plans, specifications, surveying, supervision, testing or observation of construction, or construction of an improvement to real property, or a repair to an improvement to real property, or to a surety or guarantor of any of the foregoing persons, or to any person who shall wrongfully conceal any such fraud, or willful or wanton negligence.</p> <p>f. This subdivision prescribes an outside limitation of six years from the later of the specific last act or omission or substantial completion, within which the limitations prescribed by G.S. 1-52 and 1-53 continue to run. For purposes of the three-year limitation prescribed by G.S. 1-52, a cause of action based upon or arising out of the defective or unsafe condition of an improvement to real property shall not accrue until the injury, loss, defect or damage becomes apparent or ought reasonably to have become apparent to the claimant. However, as provided in this subdivision, no action may be brought more than six years from the later of the specific last act or omission or substantial completion.</p> <p>g. The limitation prescribed by this subdivision shall apply to the exclusion of G.S. 1-15(c), G.S. 1-52(16) and G.S. 1-47(2).</p>		

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	<p>(6) Repealed by Session Laws 2009-420, s. 1, effective October 1, 2009, and applicable to causes of action that accrue on or after that date.</p> <p>(7) Recodified as G.S. 1-47(6) by Session Laws 1995 (Regular Session, 1996), c. 742, s. 1.</p> <p>(b) This section applies to actions brought by a private party and to actions brought by the State or a political subdivision of the State.</p> <p>N.C. Gen. Stat. § 1-50 (2018) (emphasis by bold added).</p>		
North Dakota ND	<p>1. No action, whether in contract, oral or written, in tort or otherwise, to recover damages:</p> <p>a. For any deficiency in the design, planning, supervision, or observation of construction or construction of an improvement to real property;</p> <p>b. For injury to property, real or personal, arising out of any such deficiency; or</p> <p>c. For injury to the person or for wrongful death arising out of any such deficiency, may be brought against any person performing or furnishing the design, planning, supervision, or observation of construction, or construction of such an improvement more than ten years after substantial completion of such an improvement.</p>	<p><i>Blikre v. ACandS, Inc.</i>, 593 N.W.2d 775, 777-80 (N.D. 1999) (holding that plaintiffs' suit alleging they were damaged as a result of exposure to asbestos containing products defendants had installed in a building was not time barred by 10-year limitation period of statute of repose because plaintiffs were not alleging any activities negligently committed by defendants in their construction of the building, but rather were alleging exposure to dangerously defective products that were manufactured, sold, or distributed by defendants).</p>	<p>Personal Injury, Property Damage, and Breach of Contract: within 6 years after the claim for relief has accrued N.D. Cent. Code § 28-01-16 (2017).</p>

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	<p>2. Notwithstanding the provisions of subsection 1, in the case of such an injury to property or the person or such an injury causing wrongful death, which injury occurred during the tenth year after such substantial completion, an action in tort to recover damages for such an injury or wrongful death may be brought within two years after the date on which such injury occurred, irrespective of the date of death, but in no event may such an action be brought more than twelve years after the substantial completion of construction of such an improvement.</p> <p>Nothing in this section may be construed as extending the period prescribed by the laws of this state for the bringing of any action.</p> <p>3. The limitation prescribed by this section may not be asserted by way of defense by any person in actual possession or the control, as owner, tenant, or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury or death for which it is proposed to bring an action.</p> <p>4. As used in this section, the term “person” means an individual, corporation, partnership, business trust, unincorporated</p>		

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	<p>organization, association, or joint stock company.</p> <p>N.D. Cent. Code § 28-01-44 (2017) (emphasis by bold added).</p>		
<p>Ohio OH</p>	<p>(A) (1) Notwithstanding an otherwise applicable period of limitations specified in this chapter or in section 2125.02 of the Revised Code and except as otherwise provided in divisions (A)(2), (A)(3), (C), and (D) of this section, no cause of action to recover damages for bodily injury, an injury to real or personal property, or wrongful death that arises out of a defective and unsafe condition of an improvement to real property and no cause of action for contribution or indemnity for damages sustained as a result of bodily injury, an injury to real or personal property, or wrongful death that arises out of a defective and unsafe condition of an improvement to real property shall accrue against a person who performed services for the improvement to real property or a person who furnished the design, planning, supervision of construction, or construction of the improvement to real property later than ten years from the date of substantial completion of such improvement.</p>	<p><i>Tutolo v. Young</i>, No. 2010-L-118, 2012 Ohio App. LEXIS 95, at *8-16 (Ct. App. Jan. 13, 2012) (finding that homeowner’s action alleging fraud, wanton and reckless conduct, negligence and breach of contract against roof contractor was barred by statute of repose because the roof was built in 1996, more than 10 years before the actual discovery of the problems with the roof).</p> <p><i>Oaktree Condo. Ass’n v. Hallmark Bldg. Co.</i>, No. 200-L-112, 2010 Ohio App. LEXIS 5336, at *27-43 (Ct. App. Dec. 23, 2010) (The statute of repose applied in a case where footers for residences were not placed at the proper depth because the construction of a building was an improvement to real property and statute of repose began to run in 1990 when occupancy permits were issued.).</p>	<p>Personal Injury and Property Damage: within 2 years after the cause of action accrued Ohio Rev. Code Ann. § 2305.10 (LexisNexis 2018-19).</p> <p>Breach of Oral Contract: within 6 years after the cause of action accrued Ohio Rev. Code Ann. § 2305.07 (LexisNexis 2018-19)</p> <p>Breach of Written Contract: within 8 years after the cause of action accrued Ohio Rev. Code Ann. § 2305.06 (LexisNexis 2018-19)</p>

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	<p>(2) Notwithstanding an otherwise applicable period of limitations specified in this chapter or in section 2125.02 of the Revised Code, a claimant who discovers a defective and unsafe condition of an improvement to real property during the ten-year period specified in division (A)(1) of this section but less than two years prior to the expiration of that period may commence a civil action to recover damages as described in that division within two years from the date of the discovery of that defective and unsafe condition.</p> <p>(3) Notwithstanding an otherwise applicable period of limitations specified in this chapter or in section 2125.02 of the Revised Code, if a cause of action that arises out of a defective and unsafe condition of an improvement to real property accrues during the ten-year period specified in division (A)(1) of this section and the plaintiff cannot commence an action during that period due to a disability described in section 2305.16 of the Revised Code, the plaintiff may commence a civil action to recover damages as described in that division within two years from the removal of that disability.</p> <p>(B) Division (A) of this section does not apply to a civil action commenced against a person</p>		

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	<p>who is an owner of, tenant of, landlord of, or other person in possession and control of an improvement to real property and who is in actual possession and control of the improvement to real property at the time that the defective and unsafe condition of the improvement to real property constitutes the proximate cause of the bodily injury, injury to real or personal property, or wrongful death that is the subject matter of the civil action.</p> <p>(C) Division (A)(1) of this section is not available as an affirmative defense to a defendant in a civil action described in that division if the defendant engages in fraud in regard to furnishing the design, planning, supervision of construction, or construction of an improvement to real property or in regard to any relevant fact or other information that pertains to the act or omission constituting the alleged basis of the bodily injury, injury to real or personal property, or wrongful death or to the defective and unsafe condition of the improvement to real property.</p> <p>(D) Division (A)(1) of this section does not prohibit the commencement of a civil action for damages against a person who has expressly warranted or guaranteed an improvement to real property for a period</p>		

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	<p>longer than the period described in division (A)(1) of this section and whose warranty or guarantee has not expired as of the time of the alleged bodily injury, injury to real or personal property, or wrongful death in accordance with the terms of that warranty or guarantee.</p> <p>(E) This section does not create a new cause of action or substantive legal right against any person resulting from the design, planning, supervision of construction, or construction of an improvement to real property.</p> <p>(F) This section shall be considered to be purely remedial in operation and shall be applied in a remedial manner in any civil action commenced on or after the effective date of this section, in which this section is relevant, regardless of when the cause of action accrued and notwithstanding any other section of the Revised Code or prior rule of law of this state, but shall not be construed to apply to any civil action pending prior to the effective date of this section.</p> <p>(G) As used in this section, “substantial completion” means the date the improvement to real property is first used by the owner or tenant of the real property or when the real property is first available for use after having the improvement completed</p>		

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	<p>in accordance with the contract or agreement covering the improvement, including any agreed changes to the contract or agreement, whichever occurs first.</p> <p>Ohio Rev. Code Ann. § 2305.131 (LexisNexis 2018-19) (emphasis by bold added).</p>		
Oklahoma OK	<p>No action in tort to recover damages (i) for any deficiency in the design, planning, supervision or observation of construction or construction of an improvement to real property, (ii) for injury to property, real or personal, arising out of any such deficiency, or (iii) for injury to the person or for wrongful death arising out of any such deficiency, shall be brought against any person owning, leasing, or in possession of such an improvement or performing or furnishing the design, planning, supervision or observation of construction or construction of such an improvement more than ten (10) years after substantial completion of such an improvement.</p> <p>Okla. Stat. tit. 12, § 109 (2018) (emphasis by bold added).</p>	<p><i>Jaworsky v. Frolich</i>, 850 P.2d 1052, 1054-56 (Okla. 1992) (Where homeowners filed a tort action for defective construction of their home 10 years after the home was completed, the statute of repose terminated their right to file the action because the statute imposed a 10-year limit on tort actions arising out of an improvement to real property.).</p> <p><i>Gorton v. Mashburn</i>, 995 P.2d 1114, 1116-1117 (Okla. 1999) (Plaintiff could not circumvent the 10-year statute of repose for construction defects in completed improvements in his personal injury action arising from a slip and fall on a wooden bridge in defendant’s office park by asserting in negligent maintenance claims based upon violation of statutory standards.).</p>	<p>Personal Injury and Property Damage: within 2 years after the cause of action shall have accrued Okla. Stat. tit. 12, § 95 (2018).</p> <p>Breach of Oral Contract: within 3 years after the cause of action shall have accrued Okla. Stat. tit. 12, § 95 (2018).</p> <p>Breach of Written Contract: within 5 years after the cause of action shall have accrued Okla. Stat. tit. 12, § 95 (2018).</p>

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Oregon OR	<p>(1) An action against a person by a plaintiff who is not a public body, whether in contract, tort or otherwise, arising from the person having performed the construction, alteration or repair of any improvement to real property or the supervision or inspection thereof, or from the person having furnished design, planning, surveying, architectural or engineering services for the improvement, must be commenced before the earliest of:</p> <p>(a) The applicable period of limitation otherwise established by law;</p> <p>(b) Ten years after substantial completion or abandonment of the construction, alteration or repair of a small commercial structure, as defined in ORS 701.005, a residential structure, as defined in ORS 701.005, or a large commercial structure, as defined in ORS 701.005, that is owned or maintained by a homeowners association, as defined in ORS 94.550, or that is owned or maintained by an association of unit owners, as defined in ORS 100.005; or</p> <p>(c) Six years after substantial completion or abandonment of the construction, alteration or repair of a large commercial structure, as defined in ORS 701.005, other than a large commercial structure described in paragraph (b) of this subsection.</p>	<p><i>Union County Sch. Dist. V. Valley Inland Pacific Constructors, Inc.</i>, 652 P.2d 349, 354-55 (Or. Ct. App. 1982) (finding that the 2-year statute of limitations in Section 12.135 applied to builders' claims against school district for failure of school district's architect to properly inspect).</p> <p><i>Securities-Intermountain, Inc. v. Sunset Fuel Co.</i>, 611 P.2d 1158, 1163 (Or. 1980) (finding that Section 12.135 did not apply to claims against an architect for redesigning or completing a defective heating system).</p> <p><i>PIH Beaverton, LLC v. Super One, Inc.</i>, 294 P.3d 536, 544 (Or. Ct. App. 2013) (finding an issue of fact as to when the acceptance of completed construction occurred).</p> <p><i>Beals v. Breeden Bros.</i>, 833 P.2d 348, 350-51 (Or. Ct. App. 1992) (finding that the 10-year statute of repose applied to bar homeowners claims against builder).</p>	<p>2 years from discovery of damage</p> <p>Or. Rev. Stat. Ann. § 12.135 (LexisNexis 2018).</p>

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	<p>(2) An action against a person by a public body, whether in contract, tort or otherwise, arising from the person having performed the construction, alteration or repair of any improvement to real property or the supervision or inspection thereof, or from the person having furnished design, planning, surveying, architectural or engineering services for the improvement, must be commenced not more than 10 years after substantial completion or abandonment of such construction, alteration or repair of the improvement to real property.</p> <p>(3) (a) Notwithstanding subsections (1) and (2) of this section, an action against a person registered to practice architecture under ORS 671.010 to 671.220, a person registered to practice landscape architecture under ORS 671.310 to 671.459 or a person registered to practice engineering under ORS 672.002 to 672.325 to recover damages for injury to a person, property or to any interest in property, including damages for delay or economic loss, regardless of legal theory, arising out of the construction, alteration or repair of any improvement to real property must be commenced before the earliest of:</p>		

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	<p>(A) Two years after the date the injury or damage is first discovered or in the exercise of reasonable care should have been discovered;</p> <p>(B) Ten years after substantial completion or abandonment of the construction, alteration or repair of a small commercial structure, as defined in ORS 701.005, a residential structure, as defined in ORS 701.005, or a large commercial structure, as defined in ORS 701.005, that is owned or maintained by a homeowners association, as defined in ORS 94.550, or that is owned or maintained by an association of unit owners, as defined in ORS 100.005; or</p> <p>(C) Six years after substantial completion or abandonment of the construction, alteration or repair of a large commercial structure, as defined in ORS 701.005, other than a large commercial structure described in subparagraph (B) of this paragraph.</p> <p>(b) This subsection applies to actions brought by any person or public body.</p> <p>(4) For purposes of this section:</p> <p>(a) "Public body" has the meaning given that term in ORS 174.109; and</p> <p>(b) "Substantial completion" means the date when the contractee accepts in writing the construction, alteration or repair of the</p>		

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	<p>improvement to real property or any designated portion thereof as having reached that state of completion when it may be used or occupied for its intended purpose or, if there is no such written acceptance, the date of acceptance of the completed construction, alteration or repair of such improvement by the contractee.</p> <p>(5) For purposes of this section, an improvement to real property is considered abandoned on the same date that the improvement is considered abandoned under ORS 87.045.</p> <p>(6) This section:</p> <p>(a) Applies to an action against a manufacturer, distributor, seller or lessor of a manufactured dwelling, as defined in ORS 446.003, or of a prefabricated structure, as defined in ORS 455.010; and</p> <p>(b) Does not apply to actions against any person in actual possession and control of the improvement, as owner, tenant or otherwise, at the time such cause of action accrues.</p> <p>Or. Rev. Stat. Ann. § 12.135 (LexisNexis 2018) (emphasis by bold added).</p>		
Pennsylvania PA	<p>(a) General rule. — Except as provided in subsection (b), a civil action or proceeding</p>	<p><i>Keeler v. Commonwealth, Dept. of Transp.</i>, 424 A.2d 614, 616 (Pa. Commw.</p>	Personal Injury and Property Damage: within 2 years

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	<p>brought against any person lawfully performing or furnishing the design, planning, supervision or observation of construction, or construction of any improvement to real property must be commenced within 12 years after completion of construction of such improvement to recover damages for:</p> <p>(1) Any deficiency in the design, planning, supervision or observation of construction or construction of the improvement.</p> <p>(2) Injury to property, real or personal, arising out of any such deficiency.</p> <p>(3) Injury to the person or for wrongful death arising out of any such deficiency.</p> <p>(4) Contribution or indemnity for damages sustained on account of any injury mentioned in paragraph (2) or (3).</p> <p>(b) Exceptions.</p> <p>(1) If an injury or wrongful death shall occur more than ten and within 12 years after completion of the improvement a civil action or proceeding within the scope of subsection (a) may be commenced within the time otherwise limited by this subchapter, but not later than 14 years after completion of construction of such improvement.</p> <p>(2) The limitation prescribed by subsection (a) shall not be asserted by way of defense by any person in actual possession or control, as</p>	<p>Ct. 1981) (finding that 12-year statute of repose barred plaintiff's personal injury claims against engineer who designed highway guardrails where the action was filed over 12 years after the highway was completed as the guardrails, road signs, etc. constituted improvement to real property).</p> <p><i>Columbia Gas v. Carl E. Baker, Inc., 667 A.2d 404, 409 (Pa. Super. Ct. 1995)</i> (finding that 12-year statute of repose barred action against engineers hired to design sanitary sewers where action was filed 18 years after sewers were installed).</p>	<p>42 Pa. Cons. Stat. Ann. § 5524 (LexisNexis 2018).</p> <p>Breach of Contract: within 4 years</p> <p>42 Pa. Cons. Stat. Ann. § 5525 (LexisNexis 2018).</p>

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	<p>owner, tenant or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury or wrongful death for which it is proposed to commence an action or proceeding.</p> <p>(c) No extension of limitations. — This section shall not extend the period within which any civil action or proceeding may be commenced under any provision of law.</p> <p>42 Pa. Cons. Stat. Ann. § 5536 (LexisNexis 2018) (emphasis by bold added).</p>		
Rhode Island RI	<p>No action (including arbitration proceedings) in tort to recover damages shall be brought against any architect or professional engineer who designed, planned, or supervised to any extent the construction of improvements to real property, or against any contractor or subcontractor who constructed the improvements to real property, or material suppliers who furnished materials for the construction of the improvements, on account of any deficiency in the design, planning, supervision, or observation of construction or construction of any such improvements or in the materials furnished for the improvements:</p>	<p><i>Walsh v. Gowing</i>, 494 A.2d 543, 547-48 (R.I. 1985) (finding that the 10-year statute of repose applied to bar plaintiff's claims against an architect that designed a bridge where an accident occurred where the bridge was completed over 10 years prior to the accident).</p>	<p>Personal Injury: 3 years R.I. Gen. Laws § 9-1-14 (2018).</p> <p>Catchall: Damage to Property, Breach of Contract, etc.: 10 years after accrual. R.I. Gen. Laws § 9-1-14 (2018).</p>

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	<p>(1) For injury to property, real or personal, arising out of any such deficiency; (2) For injury to the person or for wrongful death arising out of any such deficiency; or (3) For contribution or indemnity for damages sustained on account of any injury mentioned in subdivisions (1) and (2) hereof more than ten (10) years after substantial completion of such an improvement; provided, however, that this shall not be construed to extend the time in which actions may otherwise be brought under §§ 9-1-13 and 9-1-14.</p> <p>R.I. Gen. Laws § 9-1-29 (2018) (emphasis by bold added).</p>		
South Carolina SC	<p>No actions to recover damages based upon or arising out of the defective or unsafe condition of an improvement to real property may be brought more than eight years after substantial completion of the improvement. For purposes of this section, an action based upon or arising out of the defective or unsafe condition of an improvement to real property includes: (1) an action to recover damages for breach of a contract to construct or repair an improvement to real property;</p>	<p><i>Snavelly v. Perpetual Fed. Savings Bank</i>, 412 S.E.2d 382, 383-84 (S.C. 1991) (finding the then applicable 13-year statute of repose applied to bar a personal injury action against an architect brought over 13 years after the construction of the bank where the accident occurred).</p> <p><i>Holly Woods Ass’n of Residence Owners v. Hiller</i>, 708 S.E.2d 787, 793 (S.C. Ct. App. 2011) (finding that the statute or repose would have barred the Association from</p>	<p>Personal Injury, Property Damage & Breach of contract: within 3 years S.C. Code Ann. § 15-3-530 (LexisNexis 2018).</p>

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	<p>(2) an action to recover damages for the negligent construction or repair of an improvement to real property;</p> <p>(3) an action to recover damages for personal injury, death, or damage to property;</p> <p>(4) an action to recover damages for economic or monetary loss;</p> <p>(5) an action in contract or in tort or otherwise;</p> <p>(6) an action for contribution or indemnification for damages sustained on account of an action described in this section;</p> <p>(7) an action against a surety or guarantor of a defendant described in this section;</p> <p>(8) an action brought against any current or prior owner of the real property or improvement, or against any other person having a current or prior interest in the real property or improvement;</p> <p>(9) an action against owners or manufacturers of components, or against any person furnishing materials, or against any person who develops real property, or who performs or furnishes the design, plans, specifications, surveying, planning, supervision, testing, or observation of construction, or construction of an</p>	<p>suing for construction problems relating to infrastructure of buildings 1-8 completed over 13 years prior to suit but not for moisture and foundation problems in building 5 related to deficiencies in common areas completed within 13 years prior to suit).</p>	

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	<p>improvement to real property, or a repair to an improvement to real property. This section describes an outside limitation of eight years after the substantial completion of the improvement, within which normal statutes of limitations continue to run. A building permit for the construction of an improvement to real property must contain in bold type notice to the owner or possessor of the property of his rights under this section to contract for a guarantee of the structure being free from defective or unsafe conditions beyond eight years after substantial completion of the improvement. The Department of Consumer Affairs shall publish in conspicuous places the right of an owner or possessor to contract for extended liability under this section. Nothing in this section prohibits a person from entering into a contractual agreement prior to the substantial completion of the improvement which extends any guarantee of a structure or component being free from defective or unsafe conditions beyond eight years after substantial completion of the improvement or component. For any improvement to real property, a certificate of occupancy issued by a county or municipality, in the case of new construction</p>		

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	<p>or completion of a final inspection by the responsible building official in the case of improvements to existing improvements, shall constitute proof of substantial completion of the improvement under the provisions of Section 15-3-630, unless the contractor and owner, by written agreement, establish a different date of substantial completion.</p> <p>S.C. Code Ann. § 15-3-640 (LexisNexis 2018) (emphasis by bold added).</p>		
South Dakota SD	<p>No action to recover damages for any injury to real or personal property, for personal injury or death arising out of any deficiency in the design, planning, supervision, inspection and observation of construction, or construction, of an improvement to real property, nor any action for contribution or indemnity for damages sustained on account of such injury or death, may be brought against any person performing or furnishing the design, planning, supervision, inspection and observation of construction, or construction, of such an improvement more than ten years after substantial completion of such construction. The date of substantial completion shall be determined by the date</p>	<p><i>Cleveland v. City of Lead</i>, 663 N.W.2d 212, 220 (S.D. 2003) (finding that homeowners' claims for fraudulent concealment did not operate to toll the 10-year statute of repose applicable to claims against soils engineers).</p>	<p>Property Damage and Breach of Contract: within 6 years S.D. Codified Laws § 15-2-13 (LexisNexis 2018).</p> <p>Personal Injury: within 3 years S.D. Codified Laws § 15-2-14 (LexisNexis 2018).</p>

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	<p>when construction is sufficiently completed so that the owner or his representative can occupy or use the improvement for the use it was intended.</p> <p>S.D. Codified Laws § 15-2A-3 (LexisNexis 2018) (emphasis by bold added).</p> <p>The limitation in § 15-2A-3 may not be asserted by way of defense by any person in actual possession and control as owner, tenant or otherwise, of the improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury or death for which it is proposed to bring an action.</p> <p>S.D. Codified Laws § 15-2A-4 (LexisNexis 2018).</p> <p>Notwithstanding the provisions of § 15-2A-3, in the case of such an injury to property or the person or such an injury causing death, which injury occurred during the tenth year after the substantial completion of such construction, an action to recover damages for such an injury or death may be brought within one year after the date on which such injury occurred, irrespective of the date of</p>		

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	<p>death; but in no event may such an action be brought more than eleven years after the substantial completion of construction of such an improvement.</p> <p>S.D. Codified Laws § 15-2A-5 (LexisNexis 2018) (emphasis by bold added).</p>		
Tennessee TN	<p>All actions to recover damages for any deficiency in the design, planning, supervision, observation of construction, or construction of an improvement to real property, for injury to property, real or personal, arising out of any such deficiency, or for injury to the person or for wrongful death arising out of any such deficiency, shall be brought against any person performing or furnishing the design, planning, supervision, observation of construction, or construction of such an improvement within four (4) years after substantial completion of such an improvement.</p> <p>Tenn. Code Ann. § 28-3-202 (2018) (emphasis by bold added).</p> <p>(a) Notwithstanding § 28-3-202, in the case of such an injury to property or person or such injury causing wrongful death, which injury occurred during the fourth year after</p>	<p><i>Halladay v. Speed</i>, 208 S.W.3d 408, 414 (Tenn. Ct. App. 2005) (finding that homeowners’ claim against builder was not barred by statute of repose because construction of property was not complete four years prior to suit as the compressor was not installed, carpet was not laid, and no final inspection was had).</p>	<p>Property Damage: within 3 years from the accruing of the cause of action Tenn. Code Ann. § 28-3-105 (2018).</p> <p>Personal Injury: within 1 year after the cause of action accrued Tenn. Code Ann. § 28-3-104 (2018).</p> <p>Breach of Contract: within 6 years after the cause of action accrued Tenn. Code Ann. § 28-3-109 (2018).</p>

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	<p>such substantial completion, an action in court to recover damages for such injury or wrongful death shall be brought within one (1) year after the date on which such injury occurred, without respect to the date of death of such injured person.</p> <p>(b) Such action shall, in all events, be brought within five (5) years after the substantial completion of such an improvement.</p> <p>Tenn. Code Ann. § 28-3-203 (2018) (Emphasis by bold added).</p>		
Texas TX	<p>(a) A person must bring suit for damages for a claim listed in Subsection (b) against a registered or licensed architect, engineer, interior designer, or landscape architect in this state, who designs, plans, or inspects the construction of an improvement to real property or equipment attached to real property, not later than 10 years after the substantial completion of the improvement or the beginning of operation of the equipment in an action arising out of a defective or unsafe condition of the real property, the improvement, or the equipment.</p> <p>(b) This section applies to suit for:</p> <p>(1) injury, damage, or loss to real or personal property;</p> <p>(2) personal injury;</p>	<p><i>Kerr v. Harris County</i>, No. 01-02-00158, 2003 Tex. App. LEXIS 7766, at *22 (App. Aug. 29, 2003) (finding that the 10-year statute of repose applied to bar claims against engineer who prepared the drawings that led to the construction of streets, water lines, sanitary lines, and drainage and detention basins).</p> <p><i>Trinity River Auth. v. URS Consultant Inc.</i>, 869 S.W.2d 367, 371-72 (Tex. App. 1993) (finding that the 10-year statute of repose applied to bar claim against engineer that designed an improvement to a sewage treatment plan).</p>	<p>Personal Injury and Property Damage: within 2 years after the day the cause of action accrues</p> <p>Tex. Civ. Prac. & Rem. Code § 16.003 (LexisNexis 2017).</p> <p>Breach of Contract: within 4 years</p> <p>Tex. Civ. Prac. & Rem. Code § 16.051 (LexisNexis 2017).</p>

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	<p>(3) wrongful death; (4) contribution; or (5) indemnity. (c) If the claimant presents a written claim for damages, contribution, or indemnity to the architect, engineer, interior designer, or landscape architect within the 10-year limitations period, the period is extended for two years from the day the claim is presented.</p> <p>Tex. Civ. Prac. & Rem. Code § 16.008 (LexisNexis 2017) (emphasis by bold added).</p>	<p><i>Hasty v. Rust Eng'g, Co.</i>, 726 F.2d 1068, 1069, n.1 (5th Cir. 1984) (10-year statute of repose does not apply to bar claims for (1) written warranty, guarantee or other contract which expressly is effective for a period in excess of the period in the statute; (2) an action against persons in actual possession or control of real property as owners or tenant; (3) and an action based on willful misconduct or fraudulent concealment).</p>	
Utah UT	<p>(1) As used in this section: (a) "Abandonment" means that there has been no design or construction activity on the improvement for a continuous period of one year. (b) "Action" means any claim for judicial, arbitral, or administrative relief for acts, errors, omissions, or breach of duty arising out of or related to the design, construction, or installation of an improvement, whether based in tort, contract, warranty, strict liability, indemnity, contribution, or other source of law. (c) "Completion of improvement" means the date of substantial completion of an</p>	<p><i>Willis v. Dewitt</i>, 350 P.3d 250, 254 (Utah 2015) (finding that the discovery rule did not apply to toll the 6 -year statute of repose in Utah Code Ann. § 78B-2-225(3)(a), which applied to bar contract claims against a builder who completed the construction of a house over 6 years prior to when the claims were brought).</p>	<p>Breach of Contract/Warranty: 6 years from accrual Utah Code Ann. § 78B-2-309 (2018).</p> <p>All other actions: 2 years from date of discovery of action or date from which action should have been discovered.</p> <p>Utah Code Ann. § 78B-2-225 (2018).</p>

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	<p>improvement to real property as established by the earliest of:</p> <p>(i) a Certificate of Substantial Completion;</p> <p>(ii) a Certificate of Occupancy issued by a governing agency; or</p> <p>(iii) the date of first use or possession of the improvement.</p> <p>(d) "Improvement" means any building, structure, infrastructure, road, utility, or other similar man-made change, addition, modification, or alteration to real property.</p> <p>(e) "Person" means an individual, corporation, limited liability company, partnership, joint venture, association, proprietorship, or any other legal or governmental entity.</p> <p>(f) "Provider" means any person contributing to, providing, or performing studies, plans, specifications, drawings, designs, value engineering, cost or quantity estimates, surveys, staking, construction, and the review, observation, administration, management, supervision, inspections, and tests of construction for or in relation to an improvement.</p> <p>(2) The Legislature finds that:</p> <p>(a) exposing a provider to suits and liability for acts, errors, omissions, or breach of duty after the possibility of injury or damage has</p>		

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	<p>become highly remote and unexpectedly creates costs and hardships to the provider and the citizens of the state;</p> <p>(b) these costs and hardships include liability insurance costs, records storage costs, undue and unlimited liability risks during the life of both a provider and an improvement, and difficulties in defending against claims many years after completion of an improvement;</p> <p>(c) these costs and hardships constitute clear social and economic evils;</p> <p>(d) the possibility of injury and damage becomes highly remote and unexpected seven years following completion or abandonment; and</p> <p>(e) except as provided in Subsection (7), it is in the best interests of the citizens of the state to impose the periods of limitation and repose provided in this chapter upon all causes of action by or against a provider arising out of or related to the design, construction, or installation of an improvement.</p> <p>(3)</p> <p>(a) An action by or against a provider based in contract or warranty shall be commenced within six years of the date of completion of the improvement or abandonment of construction. Where an express contract or</p>		

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	<p>warranty establishes a different period of limitations, the action shall be initiated within that limitations period.</p> <p>(b) All other actions by or against a provider shall be commenced 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 have been discovered through reasonable diligence. If the cause of action is discovered or discoverable before completion of the improvement or abandonment of construction, the two-year period begins to run upon completion or abandonment.</p> <p>(4) Notwithstanding Subsection (3)(b), an action may not be commenced against a provider more than nine years after completion of the improvement or abandonment of construction. In the event the cause of action is discovered or discoverable in the eighth or ninth year of the nine-year period, the injured person shall have two additional years from that date to commence an action.</p> <p>(5) Subsection (4) does not apply to an action against a provider:</p> <p>(a) who has fraudulently concealed his act, error, omission, or breach of duty, or the</p>		

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	<p>injury, damage, or other loss caused by his act, error, omission, or breach of duty; or (b) for a willful or intentional act, error, omission, or breach of duty.</p> <p>(6) If a person otherwise entitled to bring an action did not commence the action within the periods prescribed by Subsections (3) and (4) solely because that person was a minor or mentally incompetent and without a legal guardian, that person shall have two years from the date the disability is removed to commence the action.</p> <p>(7) This section shall not apply to an action for the death of or bodily injury to an individual while engaged in the design, installation, or construction of an improvement.</p> <p>(8) The time limitation imposed by this section does not apply to any action against any person in actual possession or control of the improvement as owner, tenant, or otherwise, at the time any defective or unsafe condition of the improvement proximately causes the injury for which the action is brought.</p> <p>(9) This section does not extend the period of limitation or repose otherwise prescribed by law or a valid and enforceable contract.</p>		

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	<p>(10) This section does not create or modify any claim or cause of action.</p> <p>(11) This section applies to all causes of action that accrue after May 3, 2003, notwithstanding that the improvement was completed or abandoned before May 3, 2004.</p> <p>Utah Code Ann. § 78B-2-225 (2018) (emphasis by bold added).</p>		
Vermont VT	None		<p>Personal Injury and Property Damage: within 3 years Vt. Stat. Ann. tit. 12, § 512 (2018)</p> <p>Breach of Oral Contract and Written Contract no under seal: within 6 years Vt. Stat. Ann. tit. 12, § 511 (2018).</p> <p>Breach of Written Contract under seal: within 8 years Vt. Stat. Ann. tit. 12, § 507 (2018).</p>
Virginia VA	No action to recover for any injury to property, real or personal, or for bodily injury or wrongful death, arising out of the defective and unsafe condition of an improvement to	<i>Delon Hampton & Assocs. v. Wash. Metro. Area Transit Auth.</i> , 943 F.2d 335, 361-62 (4th Cir. 1991) (finding that the	Property Damage: within 5 years after the cause of action accrues Va. Code Ann. § 8.01-243 (2018).

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	<p>real property, nor any action for contribution or indemnity for damages sustained as a result of such injury, shall be brought against any person performing or furnishing the design, planning, surveying, supervision of construction, or construction of such improvement to real property more than five years after the performance or furnishing of such services and construction.</p> <p>The limitation prescribed in this section shall not apply to the manufacturer or supplier of any equipment or machinery or other articles installed in a structure upon real property, nor to any person in actual possession and in control of the improvement as owner, tenant or otherwise at the time the defective or unsafe condition of such improvement constitutes the proximate cause of the injury or damage for which the action is brought; rather each such action shall be brought within the time next after such injury occurs as provided in §§ 8.01-243 and 8.01-246.</p> <p>Va. Code Ann. § 8.01-250 (2018) (emphasis by bold added)</p>	<p>statute of repose applies only to tort actions, not contract actions).</p> <p><i>Jordan v. Sandwell, Inc.</i>, 189 F. Supp. 2d 406, 410-14 (W.D. Va. 2002) (finding the 5-year statute of repose barred personal injury claims against engineer).</p>	<p>Personal Injury: within 2 years after the cause of action accrues Va. Code Ann. § 8.01-243 (2018).</p> <p>Breach of Oral Contract: within 3 years Va. Code Ann. § 8.01-246 (2018).</p> <p>Breach of Written Contract: within 5 years Va. Code Ann. § 8.01-246 (2018).</p>
Washington WA	RCW 4.16.300 through 4.16.320 shall apply to all claims or causes of action of any kind	<i>Donovan v. Pruitt</i> , 647 P.2d 204, 206 (Wash. Ct. App. 1983) (finding that RCW	Personal Injury and Property Damage: within 3 years

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	<p>against any person, arising from such person having constructed, altered or repaired any improvement upon real property, or having performed or furnished any design, planning, surveying, architectural or construction or engineering services, or supervision or observation of construction, or administration of construction contracts for any construction, alteration or repair of any improvement upon real property. This section is specifically intended to benefit persons having performed work for which the persons must be registered or licensed under RCW 18.08.310, 18.27.020, 18.43.040, 18.96.020, or 19.28.041, and shall not apply to claims or causes of action against persons not required to be so registered or licensed.</p> <p>Wash. Rev. Code Ann. § 4.16.300 (LexisNexis 2018).</p> <p>All claims or causes of action as set forth in RCW 4.16.300 shall accrue, and the applicable statute of limitation shall begin to run only during the period within six years after substantial completion of construction, or during the period within six years after the termination of the services enumerated in</p>	<p>4.16.310 provides a time period in which the cause of action must accrue, not a time period from accrual to commencement of action and thus is more properly designated a statute of abrogation than a statute of repose).</p> <p><i>Hudesman v. Meriwether Leachman Assocs.</i>, 666 P.2d 937, 941 (Wash. Ct. App. 1983) (finding that a claim against the surveyor was subject to the 3-years statute of limitations in Section 4.16.080 but that the cause of action against the surveyor must accrue within 6-years of completion of construction per Section 4.16.310).</p>	<p>Wash. Rev. Code Ann. § 4.16.080 (LexisNexis 2018).</p> <p>Breach of Oral Contract: within 3 years Wash. Rev. Code Ann. § 4.16.080 (LexisNexis 2018).</p> <p>Breach of Written Contract: within 6 years Wash. Rev. Code Ann. § 4.16.040 (LexisNexis 2018).</p>

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	<p>RCW 4.16.300, whichever is later. The phrase “substantial completion of construction” shall mean the state of completion reached when an improvement upon real property may be used or occupied for its intended use. Any cause of action which has not accrued within six years after such substantial completion of construction, or within six years after such termination of services, whichever is later, shall be barred: PROVIDED, That this limitation shall not be asserted as a defense by any owner, tenant or other person in possession and control of the improvement at the time such cause of action accrues. The limitations prescribed in this section apply to all claims or causes of action as set forth in RCW 4.16.300 brought in the name or for the benefit of the state which are made or commenced after June 11, 1986.</p> <p>If a written notice is filed under RCW 64.50.020 within the time prescribed for the filing of an action under this chapter, the period of time during which the filing of an action is barred under RCW 64.50.020 plus sixty days shall not be a part of the period limited for the commencement of an action, nor for the application of this section.</p>		

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	Wash. Rev. Code Ann. § 4.16.310 (LexisNexis 2018) (emphasis by bold added).		
West Virginia WV	No action, whether in contract or in tort, for indemnity or otherwise, nor any action for contribution or indemnity to recover damages for any deficiency in the planning, design, surveying, observation or supervision of any construction or the actual construction of any improvement to real property, or the actual surveying of real property, or, to recover damages for any injury to real or personal property, or, for an injury to a person or for bodily injury or wrongful death arising out of the defective or unsafe condition of any improvement to real property, or the survey of real property, may be brought more than ten years after the performance or furnishing of the services or construction. However, the above period is tolled according to section twenty-one [§ 55-2-21] of this article. The period of limitation provided in this section does not commence until the improvement to the real property, or the survey of the real property in question has been occupied or accepted by the owner of the real property, whichever occurs first.	<i>Gibson v. W. Va. Dept. of Highways</i> , 406 S.E.2d 440, 442-43 (W. Va. 1991) (finding that personal injury claims against the Department of Highways and its commissioner were barred by the 10-year statute of repose as the highway on which the accident occurred was constructed over 10 years prior to the action being brought).	Personal Injury and Property Damage: within 2 years W. Va. Code § 55-2-12 (LexisNexis 2018). Breach of Oral Contract: within 5 years W. Va. Code § 55-2-6 (LexisNexis 2018). Breach of Written Contract: within 10 years W. Va. Code § 55-2-6 (LexisNexis 2018).

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	W. Va. Code Ann. § 55-2-6a (LexisNexis 2018) (emphasis by bold added).		
Wisconsin WI	<p>(1) In this section, “exposure period” means the 7 years immediately following the date of substantial completion of the improvement to real property.</p> <p>(2) Except as provided in sub. (3), no cause of action may accrue and no action may be commenced, including an action for contribution or indemnity, against the owner or occupier of the property or against any person involved in the improvement to real property after the end of the exposure period, to recover damages for any injury to property, for any injury to the person, or for wrongful death, arising out of any deficiency or defect in the design, land surveying, planning, supervision or observation of construction of, the construction of, or the furnishing of materials for, the improvement to real property. This subsection does not affect the rights of any person injured as the result of any defect in any material used in an improvement to real property to commence an action for damages against the manufacturer or producer of the material.</p> <p>(3)</p> <p>(a) Except as provided in pars. (b) and (c), if a person sustains damages as the result of a</p>	<p><i>Silbaugh v. Strang, Inc.</i>, 625 N.W.2d 361 (Wis. Ct. App. 2001) (finding that statute of repose barred personal injury claims against architect that were filed over 10-years after completion of hospital building).</p> <p><i>Holy Family Catholic Congregation v. Stubenrauch Assocs., Inc.</i>, 402 N.W.2d 382, 387 (Wis. Ct. App. 1987) (finding that the statute of repose for claims against an architect began to run from the date that the plaintiff church held its first service in the building).</p>	<p>Property Damage: within 6 years after the cause of action accrues Wis. Stat. Ann. § 893.52 (LexisNexis 2018).</p> <p>Personal Injury: within 3 years Wis. Stat. Ann. § 893.54 (LexisNexis 2018).</p> <p>Breach of Contract: within 6 years Wis. Stat. Ann. § 893.43 (LexisNexis 2018).</p>

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	<p>deficiency or defect in an improvement to real property, and the statute of limitations applicable to the damages bars commencement of the cause of action before the end of the exposure period, the statute of limitations applicable to the damages applies.</p> <p>(b) If, as the result of a deficiency or defect in an improvement to real property, a person sustains damages during the period beginning on the first day of the 5th year and ending on the last day of the 7th year after the substantial completion of the improvement to real property, the time for commencing the action for the damages is extended for 3 years after the date on which the damages occurred.</p> <p>(c) An action for contribution is not barred due to the accrual of the cause of action for contribution beyond the end of the exposure period if the underlying action that the contribution action is based on is extended under par. (b).</p> <p>(4) This section does not apply to any of the following:</p> <p>(a) A person who commits fraud, concealment or misrepresentation related to a deficiency or defect in the improvement to real property.</p>		

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	<p>(b) A person who expressly warrants or guarantees the improvement to real property, for the period of that warranty or guarantee.</p> <p>(c) An owner or occupier of real property for damages resulting from negligence in the maintenance, operation or inspection of an improvement to real property.</p> <p>(d) Damages that were sustained before April 29, 1994.</p> <p>(5) Except as provided in sub. (4), this section applies to improvements to real property substantially completed before, on or after April 29, 1994.</p> <p>(6) This section does not affect the rights of any person under ch. 102.</p> <p>Wis. Stat. Ann. § 893.89 (LexisNexis 2018) (emphasis by bold added).</p>		
Wyoming WY	<p>(a) Unless the parties to the contract agree otherwise, no action to recover damages, whether in tort, contract, indemnity or otherwise, shall be brought more than ten (10) years after substantial completion of an improvement to real property, against any person constructing, altering or repairing the improvement, manufacturing or furnishing materials incorporated in the improvement,</p>	<p><i>Bredthauer v. TSP</i>, 864 P.2d 442, 443, 447 (Wyo. 1993) (finding that the 10-year statute of repose barred claims against surveyors).</p>	<p>Professional Services/Malpractice: 2 years Wyo. Stat. Ann. § 1-3-107 (2018).</p> <p>Breach of Oral Contract: within 8 years; Wyo. Stat. Ann. § 1-3-105 (2018).</p>

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	<p>or performing or furnishing services in the design, planning, surveying, supervision, observation or management of construction, or administration of construction contracts for:</p> <p>(i) Any deficiency in the design, planning, supervision, construction, surveying, manufacturing or supplying of materials or observation or management of construction;</p> <p>(ii) Injury to any property arising out of any deficiency listed in paragraph (i) of this subsection; or</p> <p>(iii) Injury to the person or wrongful death arising out of any deficiency listed in paragraph (i) of this subsection.</p> <p>(b) Notwithstanding the provisions of subsection (a) of this section, if an injury to property or person or an injury causing wrongful death occurs during the ninth year after substantial completion of the improvement to real property, an action to recover damages for the injury or wrongful death may be brought within one (1) year after the date on which the injury occurs.</p> <p>(c) This section shall not be construed to extend the period for bringing an action allowed by the laws of this state.</p>		<p>Breach of Written Contract: within 10 years Wyo. Stat. Ann. § 1-3-105 (2018).</p>

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	Wyo. Stat. Ann. § 1-3-111 (2018) (emphasis by bold added).		