



STATUTES OF REPOSE FOR CONSTRUCTION

“Advocates For Policyholders in Insurance Coverage Disputes”

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This survey of state laws is a quick reference guide that should only be used as a starting point in researching the applicable law to a given situation. Depending on the facts of each situation, there may be additional legal authority which impacts the analysis of a particular case.

| State | Time Limit | Extension | Statute & Notes |
|----------------------|--------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alabama | 13 years | N/A | Real Property: A claim can be brought up to 2 yrs. after cause of action accrues. No relief for cause of action that accrues more than 13 yrs. after substantial completion of improvement. See Ala. Code § 65-221. |
| Alaska | 10 years | N/A | Real Property: 10yrs from earlier of substantial completion of construction that allegedly caused injury or last act alleged to have caused injury to bring a cause of action. § 09.10.055(a). Claimant may not begin action v. construction professional unless notice of claim is filed w/in 1 yr. of discovery of defect, action must be filed w/in 10 yrs. post substantial completion. See AS § 09.10.054. |
| Arizona | 8 years | 1 year | Real Property: 8 yrs. after substantial completion of improvement. If injury occurred during or latent defect wasn't discovered until 8th yr. after substantial completion, action may be brought within 1 yr. after injury occurred or latent defect was discovered, but can't be brought more than 9 yrs. after substantial completion. Doesn't apply to personal injury, wrongful death. See Ariz. Rev. Stat. § 12-552. |
| Arkansas | 5 years / 4 years | 1 year | Real Property: For property damage, 5 yrs. after substantial completion of improvement; 4 yrs. for personal injury, wrongful death actions; however, if injury occurred during 3d year after substantial completion, action may be brought w/in 1 yr. after injury occurred, irrespective of date of death, but no more than 5 yrs. after substantial completion. See Ark. Code Ann. § 16-56-112. |
| California | 10 years / 4 years | 0 year / 1 year | Real Property: For latent defects, 10 yrs. after substantial completion of improvement. See Cal. Civ. Code § 337.15. 4 yrs. for patent defects; however, if injury occurs during 4th year after substantial completion, action may be brought within 1 year after date of injury, but in no event may such an action be brought more than 5 years after substantial completion. See Cal. Civ. Code § 337.1. |
| Colorado | 6 years | 2 years | Real Property: 2 yrs. after claim for relief arises. In no event can action be brought more than 6 yrs. after substantial completion of improvement; however, if cause of action arises during 5th or 6th yr. after substantial completion, action shall be brought w/in 2 yrs. after date cause of action arises. See Colo. Rev. Stat. § 13-80-104. |
| Connecticut | 7 years | 1 year | Real Property: 7 yrs. after substantial completion of improvement; however, if injury occurs during 7th yr. post substantial completion, action may be brought w/in 1 yr. of date of injury, but no more than 8 yrs. post substantial completion. See CGSA § 52-584a. |
| Delaware | 6 years | N/A | Real Property: 6 yrs. from the earliest of various dates set forth in statute (e.g., date of substantial completion). See Del. Code Ann. Tit. 10, § 8127(b). |
| District of Columbia | 10 years | N/A | Real Property: Actions for damages caused by defective improvements to real property must be brought within 10 years from substantial completion. See D.C. Code Ann. § 12-310. |
| Florida | 10 years | N/A | Real Property: An action must be brought within 4 yrs. from the latest of various dates listed in statute (e.g., actual possession, date of C.O., date of abandonment of construction, etc.) In any event, action must be commenced w/in 10 yrs. from latest of these dates. See Fla. Stat. § 95.11(3)(c). |
| Georgia | 8 years | 2 years | Real Property: Actions must be brought within 8 yrs. after substantial completion of improvement. Action based on death or injuries that occur in 7th or 8th yr. after substantial completion must be brought within 2 yrs. of injury. See Ga. Code Ann. § 9-3-51. |

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| Hawaii | 10 years | N/A | Real Property: Action must be brought 2 yrs. after accrual. In any event, not more than 10 years after the date of completion of the improvement (date of completion defined as time when there has been substantial completion of improvement or improvement has been abandoned). Section doesn't exclude or limit liability provisions of product liability laws. See Haw. Rev. Stat. § 657-8. |
| Idaho | 6 years | N/A | Real Property: Tort actions, if not previously accrued, shall accrue & applicable limitation statute shall begin to run 6 yrs. after final completion of construction of an improvement to real property. Contract actions shall accrue and the applicable limitations statute shall begin to run at the time of final completion of construction of such improvements. See Idaho Code § 5-241. |
| Illinois | 10 years | 4 years | Real Property: 4 yrs. from time P knew or should have known of act or omission complained of. No more than 10 yrs. after such act or omission. If act or omission is discovered pre-expiration of 10 yr. period, then 4 yrs. from discovery. See 735 ILCS. 5/13-214. |
| Indiana | 10 years / 12 years | 2 years / 2 years | Real Property: Actions for damage to real property must be brought within 6 yrs. after accrual. See Ind. Code Ann. § 34-11-2-7. Earlier of 10 yrs. post substantial completion of improvement or 12 yrs. post completion & submission of plans, specs. to owner if design defect. See Ind. Code Ann. § 32-30-1-5. If injury in 9th or 10th yr. after substantial completion, 2 yrs. post injury, but no more than 12 yrs. post substantial completion or 14 yrs. post completion, submission of plans & specs. to owner if design defect. See Ind. Code Ann. § 32-30-1-6. |
| Iowa | 15 years | N/A | Real Property: In addition to limitations contained elsewhere in See Iowa Code Ann. § 614.1 , 15 years after act or omission alleged to have caused injury or death. See Iowa Code Ann. § 614.1(11). |
| Kansas | 2 years | N/A | Real Property: Statute establishes a 2 yr. statute of limitations for "an action for injury to the rights of another, not arising on contract, and not herein enumerated." See Kan. Stat. Ann. § 60-513(a)(4). |
| Kentucky | 5 years | N/A | Real Property: Personal injury suit against builder of home or other improvements must be brought within 5 yrs. after accrual. Cause of action accrues at original occupancy of improvements. See Ky. Rev. Stat. Ann. § 413.120(14). |
| Louisiana | 5 years / 10 years | 1 year / 0 years | Real Property: Action can be brought within 5 yrs. after owner's acceptance of work is registered in mortgage office or 5 yrs. from occupation or possession, if acceptance isn't recorded w/in 6 months of occupation or possession. However, if injury occurs during 5th year after above event (i.e., registry of acceptance; ownership or possession), action may be brought w/in 1 yr. after injury, but in no event more than 6 yrs. after event. See La. Rev. Stat. Ann. § 9:2772. An action against a contractor or an architect on account of defects of construction, renovation or repair of building and other works is subject to a liberative 10 year limitation. See La. Civ. Code. Ann. Art. 3500. |
| Maine | 10 years | N/A | Real Property: For professional negligence cases against architects/engineers, action must be brought within 4 yrs. of discovery of negligence, and no more than 10 yrs. from substantial completion of construction contract or, if no contract, 10 yrs. from substantial completion of services provided. See Me. Rev. Stat. Ann. Tit. 14, § 752-A. |

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| Maryland | 10 years / 20 years | N/A | Real Property: Suit must be brought within 3 years of injury. No more than 10 yrs. after entire improvement became available for intended use if D is architect, engineer, or contractor. Otherwise, no more than 20 yrs. after entire improvement became available for intended use. See Md. Code Ann., Cts. & Jud. Proc. § 5-108. |
| Massachusetts | 6 years | N/A | Real Property: 3 yrs. from accrual. In no event more than 6 yrs. after earlier of opening of improvement to use or substantial completion of improvement & owner's taking of possession for occupancy. See Ma. Gen. Laws Ch. 260, § 2B. |
| Michigan | 10 years | N/A | Real Property: 6 yrs. after occupancy of completed improvement or use or acceptance of improvement, or 1 yr. after defect is or should have been discovered. No such action shall be maintained more than 10 years after occupancy of completed improvement, or use or acceptance of improvement. See Mich. Comp. Laws Ann. § 600.5839. |
| Minnesota | 10 years | 2 years | Real Property: 2 yrs. after discovery of injury. In no event, more than 10 yrs. after substantial completion of construction. If action accrues during 9th or 10th yr. after substantial completion, 2 yrs. after accrual, but no more than 12 yrs. after substantial completion. See Min. Stat. § 541.051. |
| Mississippi | 6 years | N/A | Real Property: 6 years after owner's written acceptance or actual occupancy or use of improvement, whichever occurs first. Does not apply to wrongful death. But does not apply to any person, firm or corporation in actual possession and control as owner, tenant or otherwise of the improvement at the time of the defect and unsafe condition of such improvement caused the injury. See Miss. Code Ann. § 15-1-41. |
| Missouri | 10 years | N/A | Real Property: 10 yrs. from completion of improvement. But only applies to persons 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. See Mo. Rev. Stat. § 516.097. |
| Montana | 10 years | 1 year | Real Property: 10 yrs. from completion of improvement. However, if injury occurred during 10th yr. after completion of improvement, action may be brought w/in 1 yr. of injury. See Mont. Code Ann. § 27-2208. |
| Nebraska | 10 years | N/A | Real Property: 4 yrs. from act or omission constituting deficiency. However, if cause of action is not & couldn't be reasonably discovered w/in 4 yrs. or w/in 1 yr. before end of 4 yrs., then action may be commenced w/in 2 yrs. of such discovery or discovery of facts which would reasonably lead to such discovery, whichever is earlier. In no event more than 10 yrs. from act giving rise to cause of action. See Neb. Rev. Stat. § 25-223. |
| Nevada | 10 years / 8 years / 6 years | 2 years / 2 years / 2 years | known to P. However, if injury occurs in 10th year after substantial completion, action may be commenced w/in 2 years after injury, but in no event more than 12 yrs. after substantial completion. See Nev. Rev. Stat. § 11.203. 8 yrs. for latent deficiency, w/ a two year extension where injury occurs |
| New Hampshire | 8 years | N/A | Real Property: 8 yrs. from substantial completion of improvement. See N.H. Rev. Stat. Ann. § 508:4b. |

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| New Jersey | 10 years | N/A | Real Property: 10 yrs. after performance or furnishing of services & construction of improvement. See N.J. Stat. Ann. § 2A:14-1.1. |
| New Mexico | 10 years | N/A | Real Property: 10 yrs. from date of substantial completion. See N.M. Stat. Ann. § 37-1-27. |
| New York | 10 years | N/A | Real Property: 10 years See N.Y. C.P.L.R. § 214-d. The statute only applies to engineers and architects (and CM's who have a design component to their contract). In general, the statute of limitations for construction issues in NY is six years from the date of completion of the project. See <i>City School District of Newburgh v. Hugh Stubbins & Associates</i> , 85 N.Y.2d 535 (Court of Appeals 1995) (holding all claims by owners arising out of construction defects against contractors are governed by the six year statute of limitations). There is no statute of repose for construction claims generally in NY, just the statutes of limitations for breach of contract by the owner (again, six years from project completion) and for parties other than the owner three years from the date of bodily injury of property damage. |
| North Carolina | 6 years | N/A | Real Property: 6 yrs. from last act or omission of D giving rise to cause of action or substantial completion of improvement, whichever is later. See N.C. Gen. Stat. § 1-50(a)(5). |
| North Dakota | 10 years | 2 years | Real Property: 10 yrs. after substantial completion of improvement. However, if injury occurs in 10th yr. after substantial completion, action may be brought w/in 2 yrs. of injury, but no more than 12 yrs. after substantial completion. See N.D. Cent. Code § 28-01-44. |
| Ohio | 10 years | 2 years | Real Property: 10 years after substantial completion of improvement. Exceptions: Claimant who discovers a defective and unsafe condition of an improvement to real property less than 2 yrs. before expiration of 10 yr. period may bring action w/in 2 yrs. from discovery. Also, plaintiff who is minor or of unsound mind at accrual may commence action within two years from the removal of that disability. See Ohio Rev. Code Ann. § 2305.131. |
| Oklahoma | 10 years | N/A | Real Property: 10 yrs. after substantial completion of improvement to real property. See Okla. Stat. Tit. 12, § 109. However, statute doesn't protect manufacturers of "prefabricated" products produced in mass quantities. See Ball v. Hahnischfeger Corp., 877 P.2d 45 (Okla. 1994). |
| Oregon | 10 years | N/A | Real Property: 10 yrs. from substantial completion or abandonment. Actions against architect or engineer must be commenced within 2 years from date of injury but within 10years from substantial completion or abandonment of construction. See Or. Rev. Stat. § 12.135. |
| Pennsylvania | 12 years | 2 years | Real Property: 12 yrs. after completion of construction of improvement. 14 years if injury occurred between 10th & 12th years after completion of improvement. See 42 Pa. CSA. § 5536. |
| Rhode Island | 10 years | N/A | Real Property: 10 yrs. after substantial completion of improvement. See R.I. Gen. Laws § 9-1-29. |
| South Carolina | 8 years | N/A | Real Property: 8 yrs. from substantial completion of improvement to real prop. See S.C. Code Ann. § 15-3-640. |
| South Dakota | 10 years | 1 year | Real Property: 10 yrs. after substantial completion of improvement. S.D. Codified Laws § 15-2A-3. If injury occurs during 10th year after substantial completion, action may be brought w/in 1 yr. after injury, but can't be brought more than 11 yrs. after substantial completion. See S.D. Codified Laws § 15-2A5. |

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| Tennessee | 4 years | 1 year | Real Property: 4 yrs. after substantial completion of improvement. § 28-3-202. However, if injury occurred during 4th yr. after substantial completion, action shall be brought w/in 1 year after injury. Action must be brought w/in 5 yrs. after substantial completion. See Tenn. Code Ann. § 28-3-203. |
| Texas | 10 years | 2 years | Real Property: 10 yrs. after substantial completion of improvement. If claimant presents written claim for damages during 10-yr. period, period extended for 2 yrs. from date of claim. If injury occurs during 10th yr., claimant may sue up to 2 yrs. after day of accrual. See Tex. Civ. Prac. & Rem. Code § 16.009. |
| Utah | 9 years | 2 years | Real Property: If contract or warranty case, 6 years from completion. All others 2 years from discovery or reasonable discoverability but not more than 9 years. If discovered in year 8 or 9, then 2 additional years. See Utah Code Ann. § 78-12-21.5(3)&(4). |
| Vermont | 6 years | N/A | Real Property: 6 yrs. See Vt. Stat. Ann. Tit. 12, § 511. |
| Virginia | 5 years | N/A | Real Property: 5 yrs. from construction of defective improvements. Not applicable to manufacturers, suppliers of articles installed in a structure. See Va. Code Ann. § 8.01-250. |
| Washington | 6 years | N/A | Real Property: 6 yrs. after substantial completion or termination of services, whichever is later. See Wash. Rev. Code § 4.16.310. |
| West Virginia | 10 years | N/A | Real Property: 10 yrs. after planning, design, or supervision of construction of improvement to real property. Period doesn't begin until improvement has been occupied or accepted by owner of real property, whichever occurs first. See W.V. Code § 55-2-6a. |
| Wisconsin | 10 years | 3 years | Real Property: 10 yrs. from substantial completion of improvement. However, if person sustains damages during 8th to 10th yr. after substantial completion, time for commencing action is extended for 3 yrs. after date damages occurred. See Wis. Stat. § 893.89. |
| Wyoming | 10 years | 1 year | Real Property: 10 yrs. after substantial completion of improvement to real property. If injury occurs in 9th yr. after substantial completion, action to recover damages may be brought w/in 1 yr. after injury. See Wyo. Stat. Ann. § 1-3-111. |

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