

## State-by-State Survey of Statutes of Repose & Limitation for Design Professionals and Contractors

---

### Definitions for Terms Used in Table Below

**Acceptance:** Buyer's words or actions that signify the improvement was completed satisfactory or that Buyer will accept it despite known nonconformities. Black's Law Dictionary (9th ed. 2009).

**Accrue:** The time when a legally enforceable claim or right comes into existence. Black's Law Dictionary (9th ed. 2009).

**Discovery:** The time at which an injury is discovered or should have reasonably been discovered. 63B Am. Jur. 2d Products Liability § 1461.

**Gross Negligence ("GN"):** The statutes do not always provide a specific definition, and the concept of gross negligence can change according to the context. However, one definition in Michigan describes gross negligence as, "Conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results." *Xu v Gay*, 257 Mich App 263, 268-269; 668 NW2d 166 (2003).

**Improvement:** An addition or enhancement to real property that increases its value or utility. Black's Law Dictionary (9th ed. 2009).

**Injury:** A wrong or injustice; a violation of another's legal right for which the law provides a remedy. Black's Law Dictionary (9th ed. 2009).

**Occupied:** When Buyer takes possession or control of improvement. [www.merriam-webster.com/dictionary/occupied](http://www.merriam-webster.com/dictionary/occupied)

**Performance:** The successful completion of a contractual duty. Black's Law Dictionary (9th ed. 2009).

**Statute of Limitations ("SOL"):** A time limit for bringing a claim **based on the date when the claim accrued**; bars claims brought too late after the cause of action accrued. Black's Law Dictionary (9th ed. 2009).

**Statute of Repose ("SOR"):** A time restriction that bars any suit that is brought after a specified time; it **is not** related to the accrual of any cause of action; the SOR period begins when a specific event occurs **regardless of whether a cause of action has accrued or any injury has resulted**. Black's Law Dictionary (9th ed. 2009).

**Substantial Completion of Improvements ("SCI"):** The date when construction is sufficiently completed so that the owner can occupy or use the improvement for its intended purpose. Susan C. Randall, *Due Process Challenges to Statutes of Repose*, 40 Sw. L.J. 997, 1020 (1986).

**Tort:** A civil wrong other than breach of contract, for which the damaged party can obtain a remedy in the form of damages. Black's Law Dictionary (9th ed. 2009).

### Information for each state will follow the format below:

**Table of SOR and SOL**

State	SOR (years)	SOR Accrual Date	SOL (years)	SOL Accrual Date	Longest Possible Time to Bring Suit (years)	State Code Section

**Table of SOR and SOL**

State	SOR (years)	SOR Accrual Date	SOL (years)	SOL Accrual Date	Longest Possible Time to Bring Suit (years)	State Code Section
Alabama	13	SCI	2	INJURY OR DISCOVERY	15	6-5-221, 6-5-225
Alaska	10	SCI or Occupancy	1	DISCOVERY	11	09.10.055 & .054
Arizona	8	SCI	1	INJURY OR DISCOVERY	9	12-552
Arkansas	5 Contract, 4 Tort	SCI	3	INJURY OR DISCOVERY	5	16-56-112
California	10	SCI			10	337.15 &.1
Colorado	6	SCI	2	DISCOVERY	8	13-80-104
Connecticut	7	SCI	1	INJURY	8	52-584a
Delaware	6		2	INJURY		8127
Florida	10	Later of Owner Poss. or Comp. of Contract	4	DISCOVERY	14	95.11
Georgia	8	SCI	2	INJURY	10	18874
Hawaii	10	SCI	2	INJURY	12	657-8
Idaho	6	Comp. of Improvement	Contract=4, Personal Injury=2, Property Damage=3	Contract accrues from Final Comp. of Improvement, Tort accrues 6 yrs after Final Comp. of Improv.	4, 8, 9	5-241, 5-216, 5-219(4), 5-218(3)
Illinois	10	Time of Act or Omission	4	DISCOVERY	14	735 ILCS 5/13-214
Indiana	10 (12 for design defects)	Comp. of Improvement	2	DISCOVERY	12 OR 14	32-30-1-5
Iowa	15	Time of Act or Omission			15	614.1
Kansas	10	Time of Act or Omission	2	DISCOVERY	12	60-513
Kentucky	10	First of occupation or settlement date	1	DISCOVERY	11	198B.130
Louisiana	5	Comp. of design work or owner occupation	1	INJURY	6	9:2772
Maine	10	SCI	4	DISCOVERY	14	572-A
Maryland	10	Available for Intended Use	3	INJURY	13	5-108
Massachusetts	6	SCI	3	INJURY	9	260 sec. 2B
Metro Washington	10	SCI	3	Discovery	13	12-310
Michigan	6 or 10*	Occupancy or Acceptance, *for Gross Negligence	6 or 1*	Occupancy, *from Discovery if Gross Negligence	6 (10 for Gross Negligence)	600.5839
<b>Michigan Proposed</b>	<b>6 or 10*</b>	<b>Occupancy or Acceptance, *for Gross Negligence</b>	<b>2 for design prof., 3 for contractors</b>	<b>When service professional stops providing service</b>	<b>6 (10 for Gross Negligence)</b>	<b>Senate Bill 77</b>

**Table of SOR and SOL Cont.**

State	SOR (years)	SOR Accrual Date	SOL (years)	SOL Accrual Date	Longest Possible Time to Bring Suit (years)	State Code Section
Minnesota	12	SCI	2	DISCOVERY	12	541.051
Mississippi	6	Occupancy or Written Accept.	3	DISCOVERY	6	15-1-41
Missouri	10	Comp. of Improv. or Issuance. of Occup. Permit	5	Damaged is Sustained	10	516.097
Montana	10	Comp. of Improvement	3	DISCOVERY (if in 10th yr, 1 additional yr is added)	12	27-2-208
Nebraska	10	Act or Omission	4	Act, or if past the 4 yr SOL, 2 yrs from Discovery	10	25-223
Nevada	8	SCI	2	DISCOVERY	10	11.203, .204
New Hampshire	8	SCI	3	DISCOVERY	8	508:4-b
New Jersey	10	Act or Omission	2	Not defined	12	2A-14-1.1
New Mexico	10	SCI	4	DISCOVERY	10	37-1-27
New York			3	DISCOVERY	INDEFINITE	231, 214, 214-d
North Carolina	6	Later of last act/omission or SCI	3	DISCOVERY	9	1-50, 1-52
North Dakota	10	SCI	2	INJURY OR DISCOVERY	12	28-01-44
Ohio	10	SCI	2	DISCOVERY	12	2305.131
Oklahoma	10	SCI	2	DISCOVERY	12	12 Okl St Sect 109
Oregon	10	SCI	2	DISCOVERY	10	12.135
Pennsylvania	12	Comp. of Improvement	2	DISCOVERY	14	5536
Rhode Island	10	SCI	3	DISCOVERY	13	sect 9-1-29
South Carolina	8	SCI	3	INJURY	8	sect 15-3-640, 15-3-530
South Dakota	10	SCI	1	INJURY	11	15-2A-1, 15-2A-5
Tennessee	4	SCI			4	28-3-202
Texas	10	SCI	2	INJURY	12	16.008
Utah	9 (6 for contract or warranty)	SCI	2	DISCOVERY	11 or 8	78B-2-225
Vermont	6	Completion, Owner Occupancy, or Acceptance			6	511
Virginia	5	Performance	2	DISCOVERY	7	8.01-250
Washington	6	Later of SCI or termination of services	3	DISCOVERY	9	4.16.310
West Virginia	10	First of Accepted or Occupied	2	INJURY	10	55-22-6a
Wisconsin	10	SCI	3	DISCOVERY	13	893.89
Wyoming	10	SCI	4	DISCOVERY	14	1-3-111