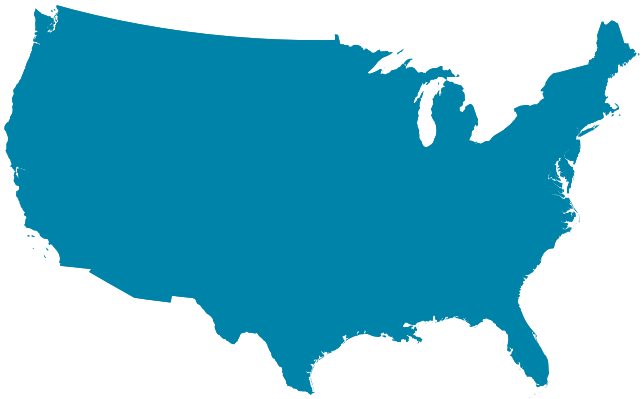

STATUTES OF REPOSE

A STATUTE THAT CUTS OFF CERTAIN LEGAL RIGHTS IF THEY ARE NOT ACTED ON BY A CERTAIN DEADLINE.

What is the difference between statute of limitations and repose?
The difference is that a statute of limitations is triggered by an injury, while a statute of repose is triggered by the completion of an act.

STATE	TYPE OF ACTION	PERIOD OF REPOSE	COMMENCEMENT	COMMENT	STATE CODE SECTION
Alabama	Construction defects	7 years	Substantial completion of construction	No comment	Ala. Code §6-5-218(a)
Alaska	Construction defects	10 years	Later of substantial completion or construction of the last act alleged to have caused the injury	No comment	Alaska Stat. § 09.10.055
Arizona	Construction defects—contract, implied warranty	8 years	Substantial completion of construction	Maximum of 9 years (additional year granted if defect is discovered in final year)	Ariz. Rev. Stat. § 12-552 (A)
Arkansas	Construction defects—injury to property	5 years	Substantial completion of construction	No comment	Ark. Code Ann. § 16-56-112(a)
	Construction defects— personal injury and wrongful death	4 years	Substantial completion of construction	Maximum of 5 years (additional year granted if defect is discovered in final year)	Ark. Code Ann. § 16-56-112(b)
California	Construction defects—patent defects	4 years	Substantial completion of construction	Maximum of 5 years (additional year granted if defect is discovered in final year)	Cal. Code Civ. Proc. § 337.1
	Construction defects—latent defects	10 years	Substantial completion of construction	No comment	Cal. Code Civ. Proc. § 337.15
Colorado	Construction defects	6 years	Substantial completion of construction	Maximum of 8 years (additional 2 years granted if defect is discovered in final 2 years)	Colo. Rev. Stat. 13-80-104 (1)
Connecticut	Construction defects—contract	6 years	Completion of construction	No comment	Conn. Gen. Stat. § 52-576
	Construction defects— tort	3 years	Act or omission complained of	No comment	Conn. Gen. Stat. § 52-584

STATE	TYPE OF ACTION	PERIOD OF REPOSE	COMMENCEMENT	COMMENT	STATE CODE SECTION
Delaware	Construction defects	6 years	Generally, substantial completion of construction, acceptance of the home, or the date when final payment is received	No comment	Del. Code Ann. tit. 10, § 8127
District of Columbia	Construction defects	10 years	Substantial completion of construction	Does not apply to contract actions.	D.C. Code Ann. § 12-310
Florida	Construction defects	10 years	Generally possession by homeowner or issuance of a certificate of occupancy	See Fla. Stat. Ann. § 95.11 for more detail on commencement.	Fla. Stat. Ann. § 95.11 (3)(c)
Georgia	Construction defects	8 years	Substantial completion of construction	Maximum of 10 years (additional 2 years granted if defect is discovered in final 2 years)	Ga. Code Ann. § 9-3-51
Idaho	Construction defects— tort	6 years	Final completion of construction	No comment	Idaho Code § 5-241; see, also, West v. El Paso Prods. Co., 122 Idaho 133 (Idaho, 1992) (holding that § 5-241 is a statute of repose).
	Construction defects— written contract	5 years	Final completion of construction	No comment	Idaho Code § 5-241; 5-216; see, also, West v. El Paso Prods. Co., 122 Idaho 133 (Idaho, 1992) (holding that § 5-241 is a statute of repose).
Illinois	Construction defects	10 years	Act or omission giving rise to the cause of action	Maximum of 14 years (additional 4 years granted if defect is discovered in final 4 years)	735 Ill. Comp. Stat. 5/13-214
Indiana	Construction defects	10 years	Substantial completion of construction	No comment	Ind. Code § 32-30-1-5

STATE	TYPE OF ACTION	PERIOD OF REPOSE	COMMENCEMENT	COMMENT	STATE CODE SECTION
Iowa	Construction defects— tort and implied warranty	15 years	Act or omission giving rise to the cause of action	No comment	Iowa Code § 614.1 (11)
Kansas	Construction defects	10 years	Act giving rise to the cause of action	No comment	Kan. Stat. Ann. § 60-513
Kentucky	Construction defects	7 years	Substantial completion of construction	Maximum of 8 years (additional year granted if defect is discovered in final year). This statute remains a part of the Kentucky Code; however, this statute of repose was ruled to be unconstitutional by the Kentucky Supreme Court in Perkins vs. Northeastern Log Homes, 808 S.W.2d 809 (Ky. 1991).	Ky. Rev. Stat. Ann. § 413.135
Louisiana	Construction defects	5 years	Occupancy by the home owner	Maximum of 6 years (additional year granted if defect is discovered in final year)	La. Rev. Stat. Ann. § 9:2772
Maine	Construction defects	6 years	Conveyance from builder to home owner	No comment	Me. Rev. Stat. Ann. tit. 14, § 752; see, also, Dunelawn Owners' Ass'n v. Gendreau, 2000 ME 94, P15 (Me., 2000), which says that a purchaser's suit against a builder for latent defects accrues when the house is conveyed; see, also, Bangor Water Dist. V. Malcolm Pirnie Engineers, 534 A.2d 1326 (Me., 1988) (holding that discovery rule does not apply to contractors).

STATE	TYPE OF ACTION	PERIOD OF REPOSE	COMMENCEMENT	COMMENT	STATE CODE SECTION
Maryland	Construction defects	10 years	When improvement becomes available for use	No comment	Md. Code. Ann., Md. Cts. & Jud. Proc. § 5-108(b)
Massachusetts	Construction defects	6 years	Earlier of opening of improvement for use or substantial completion of construction	No comment	Mass. Gen. Laws ch. 260, § 2B
Michigan	Construction defects	6 years	Occupancy, use or acceptance by home owner	Maximum of 10 years (additional 4 years granted if defect is the result of gross negligence)	Mich. Comp. Laws § 600.5839
Minnesota	Construction defects	10 years	Substantial completion of construction	Maximum of 12 years (additional 2 years granted if defect is discovered in final 2 years)	Minn. Stat. § 541.051
Mississippi	Construction defects	6 years	Earlier of written acceptance, actual occupancy, or use by home owner	No comment	Miss. Code Ann. § 15-1-41
Missouri	Construction defects	10 years	Completion of construction	No comment	Mo. Rev. Stat. § 516.097
Montana	Construction defects	10 years	Completion of construction	Maximum of 11 years (additional year granted if defect is discovered in final year). This statute of repose does not apply to contract actions.	Mont. Code. Ann. § 27-2-208
Nebraska	Construction defects	10 years	Act or omission giving rise to cause of action	Does not apply to contract actions.	Neb. Rev. Stat. § 25-223

STATE	TYPE OF ACTION	PERIOD OF REPOSE	COMMENCEMENT	COMMENT	STATE CODE SECTION
Nevada	Construction defects— latent defects	8 years	Substantial completion of construction	Maximum of 10 years (additional 2 years granted if defect is discovered in final year).	Nev. Rev. Stat. § 11.204
	Construction defects— patent defects	6 years	Substantial completion of construction	Maximum of 8 years (additional 2 years granted if defect is discovered in final year).	Nev. Rev. Stat. § 11.205
	Construction defects— known defects	10 years	Substantial completion of construction	Maximum of 12 years (additional 2 years granted if defect is discovered in final year).	Nev. Rev. Stat. § 11.203
New Hampshire	Construction defects	8 years	Substantial completion of construction	No comment	N.H. Rev. Stat. Ann. 508:4-b
New Jersey	Construction defects	10 years	Performance or furnishing of services and construction	No comment	N.J. Stat. Ann. § 2A:14-1.1
New Mexico	Construction defects	10 years	Substantial completion of construction	No comment	N.M. Stat. Ann. § 37-1-27
New York	Construction defects	6 years	Completion of construction	No comment	N.Y. C.P.L.R. § 213 provides a six-year statute of limitations and Suffolk County Water Authority v. J.D. Posillico, Inc., 145 A.D. 2d 623, 624 (N.Y. App. Div., 1988) tells us that the statute of limitations begins to run upon completion.

STATE	TYPE OF ACTION	PERIOD OF REPOSE	COMMENCEMENT	COMMENT	STATE CODE SECTION
North Carolina	Construction defects	6 years	Later of last act or omission giving rise to cause of action or substantial completion of construction	No comment	N.C. Gen. Stat. § 1-50(a)(5)
North Dakota	Construction defects	10 years	Substantial completion of construction	Maximum of 12 years (additional 2 years granted if defect is discovered in final year).	N.D. Cent. Code, § 28-01-44
Ohio	Construction defects	10 years	Substantial completion of construction	Maximum of 12 years (additional 2 years granted if defect is discovered in final 2 years).	Ohio Rev. Code Ann. § 2305.131
Oklahoma	Construction defects	10 years	Substantial completion of construction	Does not apply to contract actions.	Okla. Stat. tit. 12, § 109
Oregon	Construction defects	10 years	Substantial completion or abandonment of construction	No comment	Or. Rev. Stat. § 12.135
Pennsylvania	Construction defects	12 years	Completion of construction	Maximum of 14 years (additional 2 years granted if defect discovered in final 2 years).	42 Pa. Cons. Stat. § 5536
Rhode Island	Construction defects— contract and implied warranty	10 years	When evidence of injury to property is or should be significant enough to alert the injured. Lee v. Morin, 469 A.2d 358, 360 (R.I., 1983).	This is a statute of limitations, not repose.	R.I. Gen. Laws § 9-1-13 (a); Boghossian v. Ferland Corp., 600 A.2d 288 (R.I. 1991).
	Construction defects— tort	10 years	Substantial completion of construction	No Comment	R.I. Gen. Laws § 9-1-29

STATE	TYPE OF ACTION	PERIOD OF REPOSE	COMMENCEMENT	COMMENT	STATE CODE SECTION
South Dakota	Construction defects	10 years	Substantial completion of construction	No comment	S.D. Codified Laws § 15-2A-3
Tennessee	Construction defects	4 years	Substantial completion of construction	Maximum of 5 years (additional year granted if defect is discovered in final year).	Tenn. Code Ann. §§ 28-3-202 and 28-3-203
Texas	Construction defects	10 years	Substantial completion of construction	Maximum of 12 years (additional 2 years granted if defect is discovered in final year).	Tex. Civ. Prac. & Rem. Code Ann. § 16.009
Utah	Construction defects – contract and warranty	6 years	Completion or abandonment of construction	No comment	Utah Code Ann. § 78-12-21.5(3)(a)
	Construction defects – other than contract and warranty	9 years	Completion or abandonment of construction	Maximum of 11 years (additional 2 years granted if defect is discovered in final 2 years).	Utah Code Ann. § 78-12-21.5(3)(b)
Vermont	Civil Actions	6 years	After the cause of action accrues	No comment	Vt. Stat. Ann. tit. 12, § 511; Union Sch. Dist. v. Lench, 134 Vt. 424 (Vt., 1976): Says that there is no discovery rule.
Virginia	Construction defects	5 years	Performance or furnishing of services and construction	No comment	Va. Code Ann. § 8.01-250 ; see, also, Va. Code Ann. § 55-70.1 which creates statutory warranties of 1 year for structural defects, workmanship and habitability and 5 years for foundations and also provides that suits must be brought with 2 years of a breach of warranty.

STATE	TYPE OF ACTION	PERIOD OF REPOSE	COMMENCEMENT	COMMENT	STATE CODE SECTION
Washington	Construction defects	6 years	Later of substantial completion of construction or termination of services	No comment	Wash. Rev. Code § 4.16.310
West Virginia	Construction defects	10 years	Performance or furnishing of services and construction	No comment	W. Va. Code 55-2-6a
Wisconsin	Construction defects	10 years	Substantial completion of construction	Maximum of 13 years (additional 3 years granted if defect is discovered in final 3 years).	Wis. Stat. § 893.89
Wyoming	Construction defects	10 years	Substantial completion of construction	Maximum of 11 years (additional year granted if defect is discovered in final year).	Wyo. Stat. Ann. § 1-3-111

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