

LIMITATIONS STATUTES FOR CONSTRUCTION CLAIMS

I. The following states have statutes similar to Mississippi's statute and have been interpreted as statutes of repose within which other limitation statutes operate:

State	Application
GA	Georgia; Ga. Code Ann. § 9-3-51; <i>Hanna v. McWilliams</i> , 446 S.E.2d 741 (Ga. Ct. App. 1994) (Georgia's statute does not establish an eight-year statute of limitation; it establishes an outside time limit within which other limitation statutes continue to apply).
IN	Indiana; IN ST 32-30-1-5; <i>Berns Constr. Co., Inc. v. Miller</i> , 491 N.E.2d 565 (Ind. Ct. App. 1986) (personal injury action arising out of improvement to real property, which was filed within repose period, was dismissed as untimely when filed outside the separate two year statute of limitations).
NV	Nevada; N.R.S. 11.203; <i>G & H Assoc. v. Ernest W. Hahn, Inc.</i> , 934 P.2d 229 (Nev. 1997) (Nevada's statute operates as an outside time limit within which claims may still be dismissed as untimely if not filed within applicable, separate limitation statutes).
NH	New Hampshire; N.H. Rev. Stat. § 508:4-b; <i>Big League Entm't, Inc. v. Brox Indus., Inc.</i> , 821 A.2d 1054 (N.H. 2003)
NJ	New Jersey; N.J.S.A. 2A:14-1.1; <i>O'Connor v. Altus</i> , 335 A.2d 545 (N.J. 1975)
NM	New Mexico; NM ST § 37-1-27; <i>Terry v. New Mexico State Hwy. Comm'n</i> , 645 P.2d 1375 (N.M. 1982)
OK	Oklahoma; 12 Okl.St. Ann. § 109; <i>Samuel Roberts Noble Found., Inc. v. Vick</i> , 840 P.2d 619 (Okla. 1992) (negligence claim arising out of improvement to real property is subject to both statute's period of repose and separate two year limitations statute).
TN	Tennessee; T.C.A. § 28-3-202; <i>Watts v. Putnam County</i> , 525 S.W.2d 488 (Tenn. 1975) (claim arising out of improvement to real property was subject to statute of repose and separate limitation statutes for personal injury and breach of contract).
VA	Virginia; Va. Code Ann. § 8.01-250; <i>Federal Reserve Bank of Richmond v. Wright</i> , 392 F. Supp. 1126 (E.D. Va. 1975) (statute of repose for claims arising out of improvement to real property does not negate or extend other separate limitation statutes).
WA	Washington; West's RCWA 4.16.310; <i>1000 Virginia Ltd. P'ship v. Vertecs Corp.</i> , 146 P.3d 423 (Wash. 2006) (claims arising out of

	improvement to real property are subject to both statute of repose and separate limitation statutes).
WV	West Virginia; W. Va. Code § 55-2-6a; <i>Thomas v. Gray Lumber Co.</i> , 486 S.E.2d 142 (W.Va. 1997) (claims arising out of improvement to real property are subject to both statute of repose and separate limitation statutes for tort and contract claims).

II. The following states either have a statute of repose that includes a statute of limitations, or have a statute of repose that does not extend the statute of limitations:

State	Application
AL	Alabama; Ala. Code 1975 § 6-5-221
AK	Alaska; AK ST § 09.10.055
AZ	Arizona; A.R.S. § 12-552
AR	Arkansas; A.C.A. § 16-56-112; <i>Curry v. Thornsberry</i> , 98 S.W.3d 477 (Tenn. Ct. App. 2003) (negligence claim arising out of deficiency in construction is subject to the statute of repose and separate three-year limitations statute).
CA	California; West's Ann.Cal.C.C.P. §§ 337.1 and 337.15; <i>Smith v. SHN Consulting Eng'r & Geologists, Inc.</i> , 89 Cal. App. 4 th 638 (Cal. Ct. App. 2001) (claims arising out of patent deficiencies in construction are untimely if not filed within both the respective limitation statutes and the four year statute of repose); <i>See FNB Mortgage Corp. v. Pacific Gen. Group</i> , 76 Cal. App. 4 th 1116 (Cal. Ct. App. 1999) (claims arising out of latent deficiencies in construction are untimely if not filed within either the three or four year statute of limitations, depending on whether action rests on breach of warranty or negligence, and not more than ten years after substantial completion).
CO	Colorado; C.R.S.A. § 13-80-104
DE	Delaware; 10 Del.C. § 8127
FL	Florida; F.S.A. § 95.11
HI	Hawaii; HI ST § 657-8
ID	Idaho; ID ST § 5-241
IL	Illinois; 735 ILCS 5/13-214
LA	Louisiana; LSA-R.S. 9:2772; <i>Dorety v. Avondale Shipyards of Texas, Inc.</i> , 672 F. Supp. 962 (S.D. Tex. 1987) (applying Louisiana law) (personal injury action must be filed both within the statute's period of repose and within one year of accrual under separate limitations statute).

ME	Maine; 14 M.R.S.A. § 752-A
MD	Maryland; MD Code, Cts. and Jud. Proc., § 5-108; <i>Hagerstown Elderly Assoc. Ltd. P'ship v. Hagerstown Elderly Bldg. Assoc. Ltd. P'Ship</i> , 793 A.2d 579 (Md. Ct. App. 2002) (statute provides that a claim arising out of an improvement to real property, which is filed within the statute's ten year repose period, is untimely if not also filed within three years of accrual).
MA	Massachusetts; M.G.L.A. 260 § 2B
MN	Minnesota; MN ST § 541.051
MO	Missouri; V.A.M.S. 516.097; <i>Specialty Restaurants Corp. v. Bucher</i> , 967 F.2d 1179 (8 th Cir. 1992) (applying Missouri law) (negligence claim arising out of improvement to real property was barred by separate five year limitations statute even though claim was filed within statute's ten year period of repose).
MT	Montana; MT ST 27-2-208
NE	Nebraska; NE ST § 25-223
NC	North Carolina; NC ST § 1-50; <i>Bonestell v. North Topsail Shores Condo., Inc.</i> , 405 S.E.2d 222 (N.C. Ct. App. 1991)
ND	North Dakota; ND ST 28-01-44
OR	Oregon; O.R.S. § 12.135
PA	Pennsylvania; 41 Pa.C.S.A. § 5536; <i>A.J. Aberman, Inc. v. Funk Bldg. Corp.</i> , 420 A.2d 594 (Pa. Super. Ct. 1980) (claim arising out of improvement to real property is subject to repose statute and separate six-year limitation statute for action on contract).
RI	Rhode Island; RI ST § 9-1-29 (statute of repose shall not be construed to extend the time in which actions otherwise can be brought).
SC	South Carolina; SC ST § 15-3-640 (statute describes an outside limitation of eight years within which normal limitation statutes continue to run).
SD	South Dakota; SDCL §§ 15-2A-3 and 15-2A-6 (statute of repose shall not be construed to extend the time in which actions otherwise can be brought).
TX	Texas; V.T.C.A., Civil Prac. & Remedies Code § 16.009; <i>Tumminello v. U.S. Home Corp.</i> , 801 S.W.2d 186 (Tex. App. 1990) (claim arising out of improvement to real property subject to statute of repose and separate two year limitations statute).
UT	Utah; UT ST § 78-12-21.5
WI	Wisconsin; W.S.A. 893.89 (other applicable limitation statutes apply).
WY	Wyoming; W.S.1977 § 1-3-111 (statute of repose shall not be construed to extend the time in which actions otherwise can be brought).

III. The following states' statutes, which are similar to Mississippi's statute, have been interpreted as both a statute of repose and a statute of limitations:

State	Application
CT	Connecticut; C.G.S.A. § 52-584a; <i>Grigerik v. Sharpe</i> , 721 A.2d 526 (Conn. 1998) (statute related to actions against architect or engineers arising out of deficient improvements to real property operates as both a seven year statute of limitations and a seven year statute of repose).
MI	Michigan; M.C.L.A. 600.5839; <i>Ostroth v. Warren Regency, GP, LLC</i> , 709 N.W. 2d 589 (Mich. 2006) (statute operates as a six year limitations statute and a six year statute of repose).

IV. The application of statutes of limitation to the following states' statutes of repose has not been definitively stated:

State	Application
DC	District of Columbia; DC ST § 12-310
IA	Iowa; I.C.A. § 614.1
OH	Ohio; R.C. § 2305.131

V. The following states do not have an equivalent statute of repose:

State	Application
VT	Vermont; 12 V.S.A. § 511 (general six year statute of limitation); <i>Congdon v. Taggart Bros., Inc.</i> , 571 A.2d 656 (Vt. 1989) (claim against contractor arising out of improvement to real property is subject to general six year statute of limitations).
KS	Kansas
KY	Kentucky
NY	New York

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