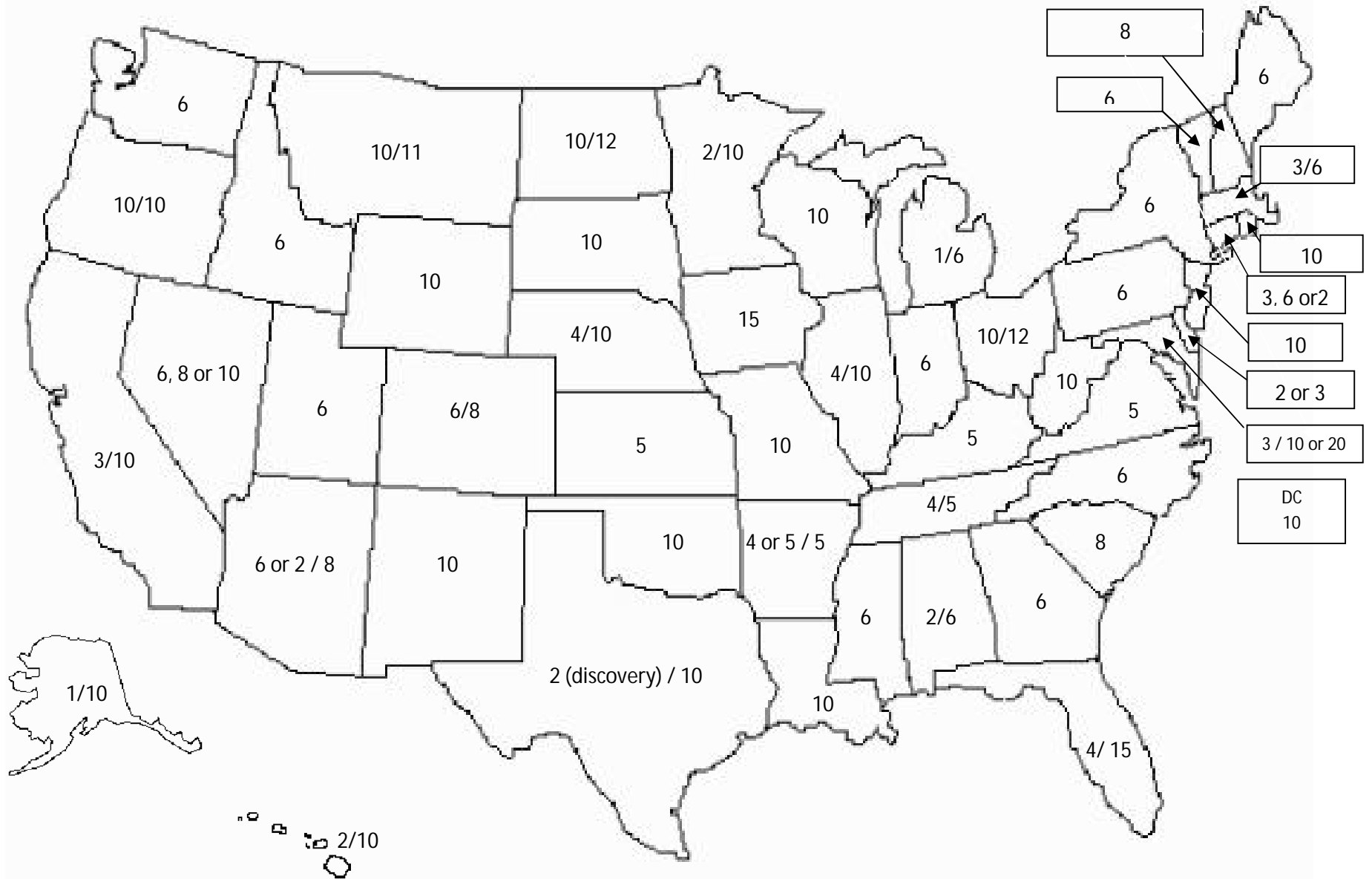


# Construction Defect Statutes of Limitation and Repose on a State-by-State Basis



## Construction Defect Statutes of Limitation and Repose on a State-by-State Basis

**Alabama:** Statute of Limitation is 2 years from discovery.

**Alaska:** Injured party has 1 year from discovery to file suit.

**Arizona:** 6 years for breach of contract or warranty and 2 years for tort. If injury occurs in the 8<sup>th</sup> year, injured party has 1 year to bring suit. Right to cure state.

**Arkansas:** Four year Statute of Limitation for tort and 5 for contract. If claimant injured in 4<sup>th</sup> year, 1 year to bring suit.

**California:** Statute of Limitation is 3 years from discovery. Right to cure state. Alternative Dispute Resolution modifies right to cure.

**Colorado:** If injury/damage discovered in 5<sup>th</sup> or 6<sup>th</sup> year – 2 years to bring suit. Right to cure state.

**Connecticut:** Three (3) years for tort; 6 for written contract; and 2 for negligence. Negligence allows 3 year statute of repose.

**Delaware:** Two (2) years for negligence; 3 years breach of contract.

**Florida:** If the defect is latent, the Statute of Limitations begins at discovery. Right to cure state.

**Hawaii:** Right to cure state. Mandatory mediation.

**Idaho:** Right to cure state.

**Illinois:** Statute of Limitation is within 4 years of knowledge. If discovered in 10<sup>th</sup> year (statute of repose), claimant still has 4 years to bring suit.

**Indiana:** Right to cure state

**Kansas:** Presumably applies the breach of contract limitations. Right to cure state.

**Kentucky:** Right to cure state.

**Maryland:** Three (3) years from date of injury/damage. Statute of repose is 10 years against contractor and 20 against supplier.

**Michigan:** One (1) year from discovery.

**Minnesota:** Two (2) years from discovery. If discovered in 9<sup>th</sup> or 10<sup>th</sup> year can bring action w/i 2 years.

**Montana:** If injury in 10<sup>th</sup> yr., 1 yr to bring suit. Right to cure state.

**Nebraska:** Owner gets 2 years after discovery if not reasonably able to be discovered in 4 years.

**Nevada:** Six (6) years for patent defect; 8 for latent defect and 10 for known defect. Right to cure state and mandatory mediation.

**New Hampshire:** Right to cure state.

**New York:** Presumably uses breach of contract statute of limitations.

**North Dakota:** Injured party may bring suit for up to 2 years after injury/damage if it occurs in 10<sup>th</sup> year.

**Ohio:** Right to cure state.

**Oklahoma:** Owner has a 2 year statute of limitation after the 5<sup>th</sup> year.

**Oregon:** Optional right to cure state. Injured party has 2 years statute of limitation to bring suit against architect or engineer. Statute of repose relates to architects and engineers.

**South Carolina:** Right to cure state.

**South Dakota:** If injury/damage occurs in 10<sup>th</sup> year, party has 1 year to bring suit. Fraud and breach of express warranties and guarantees can negate the Statute of Limitations.

**Tennessee:** One (1) year to bring suit if injury/damage occurs in the 4<sup>th</sup> year.

**Texas:** Two (2) year statute of limitation from discovery of defect. Four year Statute of Limitation for fraud, breach of contract, warranty or fiduciary duty. Right to cure and mandatory mediation.

**Utah:** Classed as a contract.

**Vermont:** Statute of limitation applies if classed as a civil action.

**Virginia:** Suit must be brought within 1 year of injury/damage.

**Washington:** Right to cure state.

**West Virginia:** Right to cure state. Alternative Dispute Resolution requirements modify RTC. Mandatory mediation.

**Wisconsin:** If injury/damage manifests after the 8<sup>th</sup> year; claimant has 3 years to bring suit.

**Wyoming:** A different statute of limitations term can be agreed to by contract. Injured party has one year to bring suit if injury/damage occurs in the 9<sup>th</sup> year.