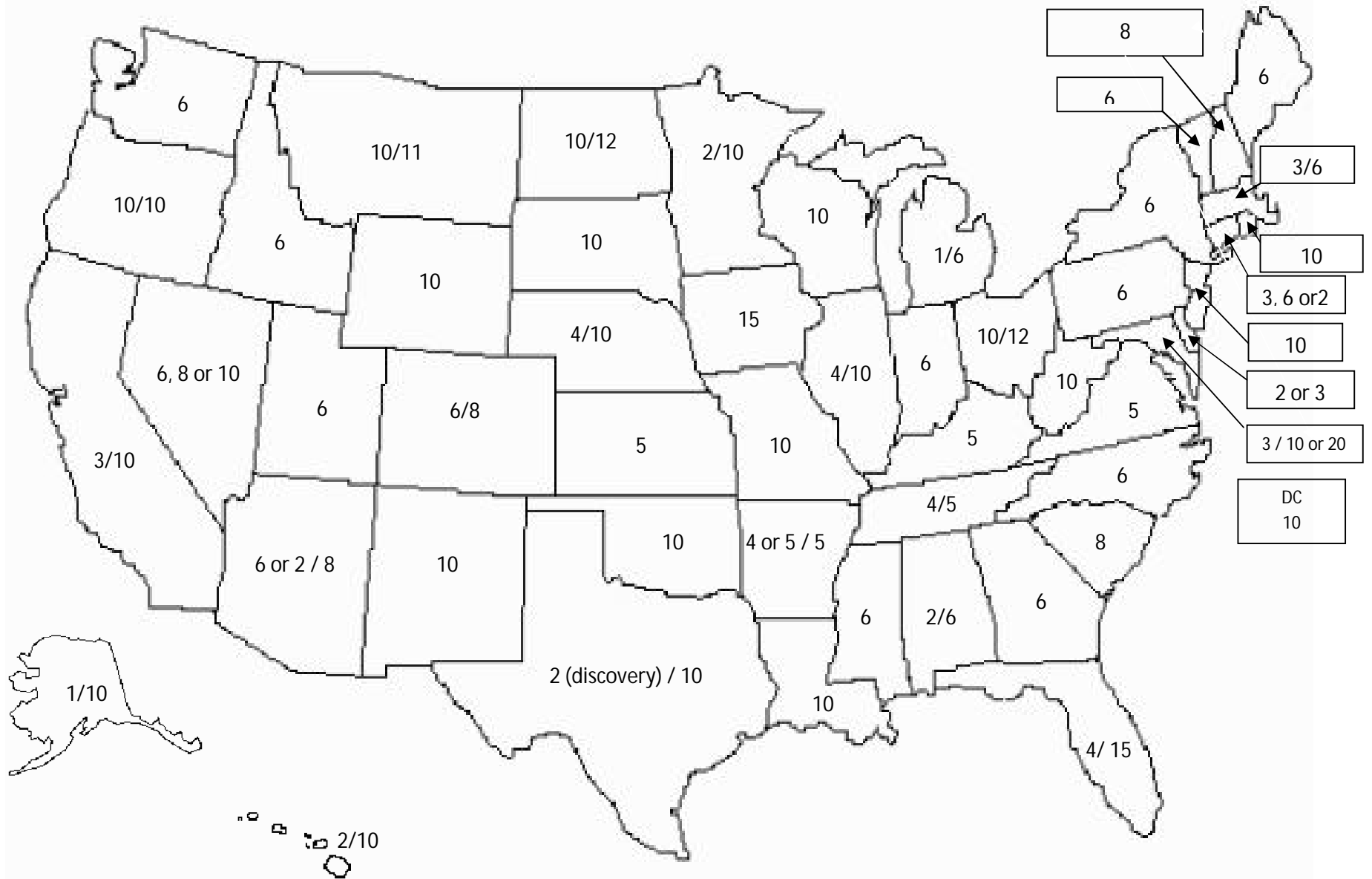


Construction Defect Statutes of Limitation and Repose on a State-by-State Basis



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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 8th 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 4th 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 5th or 6th 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 10th 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 9th or 10th year can bring action w/i 2 years.

Montana: If injury in 10th 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 10th year.

Ohio: Right to cure state.

Oklahoma: Owner has a 2 year statute of limitation after the 5th 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 10th 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 4th 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 8th 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 9th year.