



### STATUTES OF LIMITATIONS FOR ALL 50 STATES

A statute of limitations specifies a time period for commencing suit on a given claim that begins to run, or is triggered, when the cause of action accrues. When a cause of action “accrues” generally depends on the particular state involved, but it is usually when an accident occurs or when a claimant “discovers” the resulting injury. While a statute of limitations takes effect when a claim arises, a statute of repose bars the bringing of a suit after a set period of time, regardless of whether an injury occurred or a claim has arisen. The time limit for bringing suit established by a statute of repose is triggered by a specified event, such as the substantial completion of an improvement to real property, the date a product was used, or the date a product was sold.

All fifty (50) states currently have statutes of repose, varying in both the type of claim covered by the statute and the length of the repose period. Forty-six (46) states have a statute of repose which apply to actions involving real property design, engineering, and construction. However, nineteen (19) states also have statutes of repose limiting product liability claims.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
<b>ALABAMA</b>	2 Years Ala. Stat. § 6-2-38 (Except actions based on conversion and actions involving wanton conduct or an intentional tort to real or personal property, which is 6 years. Ala. Stat. § 6-2-34(3)); <i>Ex parte Capstone Bldg. Corp.</i> , 96 So.3d 77 (Ala. 2012).	2 Years Ala. Stat. § 6-2-38	4 Years Ala. Stat. § 7-2-725(1)	2 Years Ala. Stat. § 6-2-38	<u>Construction</u> : 7 Years from substantial completion to improvement to real property against any person performing or furnishing the design, planning, supervision or observation of the construction. Ala. Stat. § 6-5-221(2011). On May 26, 2011, the Alabama Legislature decreased the Statute of Repose for commencing litigation against an architect, engineer or builder from 13 years to 7 years. <u>Exception</u> : Where architect, engineer, or builder had knowledge that a defect or deficiency existed and failed to disclose the defect. Ala. Code § 6-5-221(a). <u>Products</u> : None.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
ALASKA	2 Years Alaska Stat. § 09.10.050, 070(a)	2 Years Alaska Stat. § 09.10.070(a)	U.C.C. 4 Years Alaska Stat. § 45.02.725; <i> Armour v. Alaska Power Auth.</i> , 765 P.2d 1372, 1375 (Alaska 1988).	2 Years Alaska Stat. § 09.10.070(a)	<u>Construction</u> : 10 years from substantial completion of construction or 10 years from last act that allegedly caused injury, death, or property damage. This section specifically excludes defective products. Alaska Stat. § 09.10.055 (2005). <u>Products</u> : None.
ARIZONA	2 Years A.R.S. § 12-542	2 Years A.R.S. § 12-542	4 Years A.R.S. § 47-2725	2 Years	<u>Construction</u> : 8 years from substantial completion of improvement to real property; 9 years if defect is discovered in the 8 <sup>th</sup> year. A.R.S. § 12-552. <u>Products</u> : None. Previous Statute of Repose was 12 years after original sale. However, A.R.S. § 12-551 was declared unconstitutional in <i>Hazine v. Montgomery Elevator</i> , 861 P.2d 625 (Ariz. 1993).
ARKANSAS	3 Years A.C.A. § 16-116-103	3 Years A.C.A. § 16-116-103 <u>Medical Malpractice</u> : 2 Years A.C.A. § 16-114-203(a)	<u>Property Damage</u> : 4 Years A.C.A. § 4-2-725 <u>Personal Injury</u> : 3 Years <i>Follette v. Wal-Mart Stores, Inc.</i> , 41 F.3d 1234 (8 <sup>th</sup> Cir. 1994).	3 Years A.C.A. § 16-116-103	<u>Construction</u> : 4 years from substantial completion of improvement to real property for tort or contract actions for personal injury or wrongful death, or 5 years for property damage. A.C.A. § 16-56-112. <u>Products</u> : None.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
CALIFORNIA	<p>3 Years Cal. Civ. Proc. Code § 338(c)</p> <p><u>Contractors/Architects</u>: 3 years from substantial completion. <i>City School Dist. of Newburgh v. Stubbins</i>, 85 N.Y.2d 535 (1995).</p>	<p>2 Years Cal. Civ. Proc. Code § 335.1</p>	<p>U.C.C. (4 Years) Cal. U. Com. Code § 2725</p>	<p><u>Personal Injury</u>: 2 Years Cal. Civ. Proc. Code § 335.1</p> <p><u>Property Damage</u>: 3 Years Cal. Civ. Proc. Code § 338(c)</p>	<p><u>Construction</u>: 4 years from substantial completion of construction or construction of improvement to real property arising out of a patent defect, 10 years from substantial completion for a latent defect. This doesn't apply to actions based on willful misconduct or fraudulent concealment. Ca. Civ. Proc. Code § 337.1, 337.15.</p> <p><u>Products</u>: None directly applicable to product liability actions. Refer to § 338(c). Standard 3-year SOL will apply to product liability actions. California has no repose statute potentially ending the manufacturer's liability at the end of an express or implied period of time designated as the "useful life" of the product.</p>

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
<b>COLORADO</b>	<p>2 Years C.R.S. § 13-80-102</p> <p>3 Years If Motor Vehicle Involved C.R.S. § 13-80-101(n)(l) <i>City &amp; Cty. of Denver v. Gonzales</i>, 17 P.3d 137 (Colo. 2001); <i>Jones v. Cox</i>, 828 P.2d 218 (Colo. 1992).</p>	<p>2 Years C.R.S. § 13-80-102</p> <p>3 Years If Motor Vehicle Involved C.R.S. § 13-80-101(n)(l) <i>City &amp; Cty. of Denver v. Gonzales</i>, 17 P.3d 137 (Colo. 2001); <i>Jones v. Cox</i>, 828 P.2d 218 (Colo. 1992).</p>	<p>3 Years C.R.S. § 13-80-101(1)(a)</p>	<p>2 Years C.R.S. § 13-80-106(1)</p>	<p><u>Construction</u>: 6 years from substantial completion of improvement to real property for actions against architect, contractor, builder or builder vendor, engineer or inspector. C.R.S. § 13-80-104. If claim arises during 5<sup>th</sup> or 6<sup>th</sup> year after substantial completion, action can be brought within two years after cause of action.</p> <p><u>Products</u>: 7 years from date product first used. C.R.S. § 13-80-107 (1)(a). Applies only to “new manufacturing equipment.”</p> <p><u>Exceptions</u>: (1) injury caused by hidden defect; (2) prolonged exposure to hazardous material; (3) intentional misrepresentation; or (4) fraudulent concealment. C.R.S. § 13-80-107 (1)(b)-(c).</p> <p>“Manufacturing equipment” means equipment used in operation or process of producing a new product, article, substance, or commodity for purposes of commercial sale and different from and having a distinctive name, character, or use from the raw or prepared materials used in the operation or process. C.R.S. § 13-80-107 (2).</p>
<b>CONNECTICUT</b>	<p>2 Years C.G.S.A. § 52-584</p>	<p>2 Years C.G.S.A. § 52-584</p>	<p>3 Years C.G.S.A. § 52-577(a)</p>	<p>3 Years</p>	<p><u>Construction</u>: 7 years from substantial completion to improvement to real property for actions brought against any architect, professional engineer or land surveyor. C.G.S.A. § 52-584a. If claim arises during 7<sup>th</sup> year after substantial completion, action can be brought within one year of date of injury, but no more than 8 years post substantial completion.</p> <p><u>Products</u>: 10 years from date of sale - can be extended by warranty. C.G.S.A. § 52-577(a).</p>

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
DELAWARE	2 Years (3 Years if not discoverable in 2 Years) 10 Del. C. § 8107	2 Years (3 Years if not discoverable in 2 Years) 10 Del. C. § 8119	U.C.C. (4 Years) 6 Del. C. § 2-725	2 Years 10 Del. C. § 8119 § 8107.  4 Years from delivery for breach of implied warranty of merchantability and fitness for a particular purpose. <i>Addison v. Emerson Elec. Co.</i> , 1997 WL 129327 (D. Del. 1997).	<u>Construction</u> : 6 years from substantial completion of improvement to real property. 10 Del. C. § 8127. <u>Products</u> : None.
DISTRICT OF COLUMBIA	3 Years D.C. Code § 12-301	3 Years <u>Wrongful Death</u> : 1 Year D.C. Code § 12-301	3 Years D.C. Code § 12-301 <u>Breach of Contract for Sale</u> : 4 Years D.C. Code § 28:2-725	3 Years D.C. Code § 12-301	<u>Construction</u> : 10 years from substantial completion of improvement to real property. D.C. Code § 12-310. <u>Products</u> : None.
FLORIDA	4 Years F.S.A. § 95.11(3)(a),(o)	4 Years F.S.A. § 95.11(3)(a),(o) <u>Wrongful Death</u> : 2 Years F.S.A. § 95.11(4)(d) <u>Medical Malpractice</u> : 2 Years F.S.A. § 95.11(4)(b)	U.C.C. (4 Years) F.S.A. § 95.11(3)(k) <u>Breach of Express Warranty</u> : 5 Years F.S.A. § 95.11(2)(b)	4 Years F.S.A. § 95.11(3)(a),(e),(k)	<u>Construction</u> : 10 years from improvement to real property, from possession of owner, issuance of certificate of occupancy, date of abandonment of construction, or termination of the contract between the professional engineer, registered architect or licensed contractor and his or her employer, whichever date is latest. F.S.A. § 95.11. <u>Products</u> : 12 years from delivery if product has useful life of 10 years or less, otherwise 20 years. F.S.A. § 95.031.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
<b>GEORGIA</b>	<p>4 Years</p> <p>O.C.G.A. §§ 9-3-30 (real property) and 9-3-31 (personal property).</p> <p>NOTE: SOL for damage to home (assuming original owner) begins to run from date of substantial completion even though this means SOL might run before accident occurs. <i>Corp. of Mercer Univ. v. Nat. Gypsum Co.</i>, 368 S.E.2d 732 (Ga. 1988)</p>	<p>2 Years</p> <p>O.C.G.A. § 9-3-33</p>	<p>U.C.C. (4 Years)</p> <p>O.C.G.A. § 11-2-725</p>	<p><u>Personal Injury</u>: 2 Years (or 1 Year from date of death) O.C.G.A. § 9-3-33</p> <p><u>Personal Property Damage</u>: 4 Years O.C.G.A. § 9-3-30, 31</p>	<p><u>Construction</u>: 8 years from substantial completion to improvement to real property. O.C.G.A. § 9-3-51. If claim occurs in 7<sup>th</sup> or 8<sup>th</sup> year after substantial completion must be brought within two years of injury.</p> <p><u>Products</u>: 10 years after date of first sale - not applicable to warning claims. O.C.G.A. § 51-1-11(b)(2). However, a claim involving damage caused by a product's component part must be filed within 10 years after the part was incorporated into the final design of the product by the manufacturer. <i>Johnson v. Ford Motor Co.</i>, 637 S.E.2d 202 (Ga. App. 2006).</p>
<b>HAWAII</b>	<p>2 Years</p> <p>Haw. Rev. Stat. § 657-7</p>	<p>2 Years</p> <p>Haw. Rev. Stat. § 657-7</p>	<p>U.C.C. (4 years)</p> <p>Haw. Rev. Stat. § 490:2-725</p>	<p>2 Years</p> <p>Haw. Rev. Stat. §657-7</p> <p><u>Breach of Implied Warranty of Merchantability</u>: 4 Years (Haw. Rev. Stat. § 490:2-725).</p>	<p><u>Construction</u>: 10 years from date of completion of improvement to real property, but two years after accrual. Haw. Rev. Stat. § 657-8.</p> <p><u>Products</u>: None.</p>
<b>IDAHO</b>	<p>3 Years</p> <p>Idaho Code § 5-218(2),(3)</p>	<p>2 Years</p> <p>Idaho Code § 5-219(4)</p>	<p><u>Personal Injury</u>: 2 Years</p> <p>Idaho Code § 5-219(4)</p> <p><u>Property Damage</u>: 4 Years</p> <p>Idaho Code § 28-2-725(1)</p>	<p>2 Years</p> <p>Idaho Code § 5-219</p>	<p><u>Construction</u>: 6 years from final completion of improvement to real property. Idaho Code § 5-241.</p> <p><u>Products</u>: 10 years or after product's "useful safe life." Idaho Code § 6-1403(3) (Rebuttable Presumption).</p>

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
ILLINOIS	5 Years 735 I.L.C.S. § 5/13-205	2 Years 735 I.L.C.S. § 5/13-202 <u>Construction:</u> 4 Year SOL may apply if “design, planning, supervision, observation, management of construction, or construction of an improvement to real property” is involved. 735 I.L.C.S. § 5/13-214(a); <i>Fed. Ins. Co. v. Konstant Architecture Planning, Inc.</i> , 902 N.E.2d 1213 (Ill. App. 2009). <u>Medical Malpractice:</u> Statutes vary as defined in 735 I.L.C.S. § 5/13-212.	4 Years (except when express warranty covers future performance past four-year SOL period). 810 I.L.C.S. § 5/2-725.	<u>Personal Injury:</u> 2 Years 735 I.L.C.S. § 5/13-202 <u>Personal Property:</u> 5 Years I.L.C.S. § 5/13-205	<u>Construction:</u> 10 years from improvement to real property, but after person had knowledge, four years. 735 I.L.C.S. § 5/13-214. <u>Products:</u> Shorter of 10 years from sale date to initial user or 12 years from delivery to first owner. 735 I.L.C.S. § 5/13-213.
INDIANA	2 Years I.C. § 34-11-2-4	2 Years I.C. § 34-11-2-4	U.C.C. (4 Years) I.C. § 26-1-2-725	2 Years I.C. § 34-11-2-4	<u>Construction:</u> Earlier of 10 years post substantial completion of improvement or 12 years post completion and submission of plans and specs. to owner if design defect. I.C. § 32-30-1-5. If injury in 9 <sup>th</sup> or 10 <sup>th</sup> year after substantial completion, two years post injury, but no more than 12 years post substantial completion or 14 years post completion, submission of plans and specs. to owner if design defect. <u>Products:</u> 10 years after delivery unless accrues at least 8 years, but less than 10 years after delivery. I.C. § 34-20-3-1.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
IOWA	5 Years I.C.A. § 614.1(4)	2 Years I.C.A. § 614.1(2)	<u>Breach of Implied Warranty</u> : 5 Years I.C.A. §§ 554.2725, 614.1(4),(5) <u>Breach of Express Warranty</u> : 10 Years. I.C.A. §§ 554.2725, 614.1(5)	<u>Personal Injury</u> : 2 Years I.C.A. § 614.1(2) <u>Personal Property</u> : 5 Years I.C.A. § 614.1(4)	<u>Construction</u> : 10 years for an action related to residential construction or 8 years for any other kind of improvement to real property, after the date on which the act or omission has occurred. I.C.A. § 614.1. <u>Products</u> : 15 years unless warranty is longer. I.C.A. § 614.2A and 614.1(11).
KANSAS	2 Years K.S.A. § 60-513	2 Years K.S.A. § 60-513	U.C.C. (4 Years) K.S.A. § 84-2-725	2 Years K.S.A. § 60-513	<u>Construction</u> : There is a general 10-year Statute of Repose for all tort cases. K.S.A. § 60-513(b). <u>Products</u> : 10 years or after expiration of useful safe life as described by the Kansas Product Liability Act. K.S.A. § 60-3303(b)(1).
KENTUCKY	2 Years K.R.S. § 413.125	1 Year K.R.S. § 413.140(1)(a) 2 Years If Motor Vehicle Involved K.R.S. § 304.39-230(6)	U.C.C. (4 Years) K.R.S. § 355.2-725	<u>Personal Injury</u> : 1 Year K.R.S. § 413.140(1)(a) <u>Personal Property</u> : 2 Years K.R.S. § 413.125	<u>Construction</u> : 7 years from substantial completion of improvement to real property. K.R.S. § 413.135(1). <u>Products</u> : 5 years from sale date or 8 years from manufacture date (rebuttable presumption of no defect). K.R.S. § 411.310.



STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
LOUISIANA	<p>1 Year L.S.A.-C.C. Art. § 3492</p> <p>In Louisiana, a statute of limitations is known as a <i>liberative prescription</i>. Liberative prescription is defined as a mode of barring actions as a result of inaction for a period of time.</p>	<p>1 Year L.S.A.-C.C. Art. § 3492</p> <p>Generally, a one-year prescriptive period for tort claims. However, some torts have a longer time period.</p>	<p>In cases where seller did not know of the defect, the earlier of four (4) years from delivery date or one (1) year from date of discovery by buyer. L.S.A.-C.C. Art. § 2534 (see L.S.A.-C.C. Art. § 2534 for various exceptions).</p>	<p>1 Year L.S.A.-C.C. Art. § 3492, 3595</p>	<p>In Louisiana, statutes which bar a claim after a specified period of time following the completion of services or the substantial completion of construction. are called <i>preemptive periods</i>. These preemptive periods cannot be renounced, interrupted, or suspended.</p> <p><u>Construction</u>: 5 years after the date owner takes possession of (accepts) the improvement to real property. La R.S. 9:2772. If loss during 5<sup>th</sup> year (<i>i.e.</i>, registry of acceptance; ownership or possession), action can be brought within one (1) year after injury, but in no event more than six (6) years after loss. L.S.A.-C.C. § 9:2772.</p> <p>An action against a contractor or an architect for construction defects must be brought within a ten (10) year liberative ten (10) year prescription period (statute of limitations). L.S.A.-C.C. Art. § 3500. This conflicts with a five (5) year prescriptive period for actions against architects and contractors for ruin of a wood or brick-filled building on account of poor workmanship. But, if the building is stone or brick, it is ten (10) years. L.S.A.-C.C. § 9:2762.</p> <p><u>Products</u>: None.</p> <p>Peremption differs from prescriptive in two respects: (1) the expiration of the preemptive time period destroys the cause of action itself; and (2) nothing may interfere with the running of a preemptive time period. <i>Naghi v. Brener</i>, 17 So.3d 919 (La. 2009).</p>

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
MAINE	6 Years 14 M.R.S.A. § 752	6 Years (Unless Exception Applies). 14 M.R.S.A. § 752 <u>Wrongful Death</u> : 2 Years 18-A M.R.S.A. § 2-804(b) <u>Medical Malpractice</u> : 3 Years 24 M.R.S.A. § 2902	<u>Personal Injury</u> : 6 Years 14 M.R.S.A. § 752 <u>Property Damage</u> : 4 Years 11 M.R.S.A. § 725	6 Years 14 M.R.S.A. § 752	<u>Construction</u> : 10 years after “substantial completion” of the project or services rendered, but no more than 4 years after discovery of malpractice or negligence of architect or engineer. 14 M.R.S.A. § 752-A. <u>Products</u> : None.
MARYLAND	3 Years Md. Cts. & Jud. Proc. Code § 5-101	3 Years Md. Cts. & Jud. Proc. Code § 5-101 <u>Medical Malpractice</u> : Earlier of 5 years after injury date or 3 years after injury was discovered.	U.C.C. (4 Years) Md. Com. Law Code § 2-725	3 Years Md. Cts. & Jud. Proc. Code § 5-101; <i>Phipps v. General Motors Corp.</i> , 363 A.2d 955, 962 (Md. 1976).	<u>Construction</u> : 20 years for improvement to real property. 10 years for actions against architect, professional engineer or contractor related to improvement to real property. Md. Code Ann. § 5-108. <u>Products</u> : None.
MASSACHUSETTS	3 Years Mass. Ann. Laws Ch. 260 §§ 2A and 4	3 Years Mass. Ann. Laws Ch. 260 §§ 2A and 4	3 Years Mass. Ann. Laws Ch. 106 § 2-318	3 Years Mass. Ann. Laws Ch. 260 §§ 2A and 4	<u>Construction</u> : 6 years from substantial completion of improvement to real property and owner taking possession of improvement. Mass. Ann. Laws Ch. 260 § 2B. <u>Products</u> : None.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
<b>MICHIGAN</b>	<p>3 Years M.C.L.A. § 600.5805(10)</p> <p>If insured auto involved, action against no-fault carrier must be filed in one (1) year. M.C.L.A. § 500.3145.</p>	<p>3 Years M.C.L.A. § 600.5805(10)</p> <p>If insured auto involved, action against no-fault carrier must be filed in 1 year. M.C.L.A. § 500.3145.</p> <p>1 Year after accident to make first-party PIP claim. M.C.L.A. § 500.3145</p> <p><u>Medical Malpractice:</u> The later of 2 years after alleged act or 6 months after injury discovered M.C.L.A. §§ 600.5805(6), 600.5838.</p>	<p>U.C.C. (4 Years) M.C.L.A. § 440.2725</p>	<p>3 Years M.C.L.A. § 600.5805(13)</p>	<p><u>Construction:</u> An action arising out of the defective and unsafe condition of an improvement to real property against an architect, professional engineer, or contractor, must be brought within 6 years after occupancy, use, or acceptance of the improvement, or 1 year after defect is discovered. M.C.L.A. § 600.5839(1)(a). If defect results from gross negligence of architect or engineer, action must be brought within 1 year after defect discovered. No such action can be brought more than 10 years after substantial completion, use, or acceptance of improvement. M.C.L.A. § 600.5839(1)(b).</p> <p><u>Products:</u> None.</p>
<b>MINNESOTA</b>	<p>6 Years M.S.A. § 541.05</p>	<p><u>Intentional Acts:</u> 2 Years M.S.A. § 541.07</p> <p><u>Wrongful Death:</u> 3 Years M.S.A. § 573.02</p> <p><u>Negligence Claims:</u> 6 Years M.S.A. § 541.05 subd. 1(5)</p> <p><u>Medical Malpractice:</u> 4 Yrs. M.S.A. § 541.076(b)</p> <p><u>Legal Malpractice:</u> 6 Yrs. M.S.A. § 541.05</p>	<p>4 Years M.S.A. § 336.2-725(1)</p>	<p><u>Strict Product Liability:</u> 4 Years M.S.A. § 541.05 subd.2</p> <p><u>Breach of Warranty:</u> 4 Years M.S.A. § 336.2-725(1)</p> <p><u>Negligence-Based:</u> 6 Years M.S.A. § 541.05(5)</p>	<p><u>Construction:</u> 10 years from substantial completion of improvement to real property. M.S.A. § 541.051. Two years after discovery of defective improvement to real property, but no more than 12 years after substantial completion, unless negligent “maintenance, operation, or inspection of the real property improvement.” M.S.A. § 541.051(1)(d).</p> <p><u>Products:</u> None.</p>
<b>MISSISSIPPI</b>	<p>3 Years M.C.A. § 15-1-49</p>	<p>3 Years M.C.A. § 15-1-49</p> <p><u>Medical Malpractice:</u> 2 Years M.C.A. § 15-1-36</p>	<p><u>Breach of Contract for Sale:</u> 6 Years M.C.A. § 75-2-725</p> <p><u>Unwritten Contracts:</u> 3 Years M.C.A. 15-1-29</p>	<p>3 Years M.C.A. § 15-1-49</p>	<p><u>Construction:</u> 6 years from written acceptance or actual occupancy for design or construction of improvement to real property. M.C.A. § 15-1-41.</p> <p><u>Products:</u> None.</p>

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
MISSOURI	5 Years Mo. Rev. Stat. § 516.120(4)	5 Years Mo. Rev. Stat. § 516.120(4) <u>Medical Malpractice:</u> 2 Years Mo. Rev. Stat. § 516.105 <u>Wrongful Death:</u> 3 Years Mo. Rev. Stat. § 537.100	5 Years Mo. Rev. Stat. § 516.120	5 Years Mo. Rev. Stat. § 516.120	<u>Construction:</u> 10 years for actions for improvement to real property. This applies only to persons who perform or furnish, in whole or in part, the design, planning or construction, including architectural, engineering or construction services, of improvement. Mo. Rev. Stat. § 516.097. <u>Products:</u> None.
MONTANA	2 Years Mont. Stat. § 27-2-207 (If property damage caused by tort, 3-year SOL may apply under § 27-2-204. <i>Ritland v. Rowe</i> , 861 P.2d 175 (Mont. 1993)).	3 Years Mont. Stat. § 27-2-204(1),(2)	<u>Breach of Express Warranty:</u> 4 Years Mont. Stat. § 30-2-725 <u>Breach of Implied Warranty:</u> 3 Years <i>Bennett v. Dow Chem. Co.</i> , 713 P.2d 992 (Mont. 1986).	<u>Strict Liability Claims:</u> 3 Years Mont. Stat. § 27-2-202 <u>Negligence Resulting in Personal Injury:</u> 3 Years Mont. Stat. § 27-2-202 <u>Negligence Resulting in Property Damage:</u> 2 Years Mont. Stat. § 27-2-207	<u>Construction:</u> 10 years from completion of improvement of real property. This has been interpreted to apply to damage caused by a defective product that is related to the improvement. Mont. Stat. § 27-2-208. <u>Products:</u> None.
NEBRASKA	4 Years Neb. Rev. Stat. § 25-207	4 Years Neb. Rev. Stat. § 25-207 <u>Wrongful Death:</u> 2 Years Neb. Rev. Stat. §§ 30-809 and 30-810 <u>Medical Malpractice:</u> 2 Years from injury date or 1 Year from date injury was discovered. Neb. Rev. Stat. § 25-222	U.C.C. (4 Years) Neb. Rev. Stat. § 2-725	4 Years Neb. Rev. Stat. § 25-224(1)	<u>Construction:</u> 10 years for actions for breach of warranty for improvement to real property. Neb. Rev. Stat. § 25-223. <u>Products:</u> 10 years from manufacture date. If not, foreign state's repose applies, but not less than 10 years. Neb. Rev. Stat. § 25-224(2).

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
NEVADA	3 Years N.R.S. § 11.190	2 Years N.R.S. § 11.190  <u>Action Against Health Care Provider</u> : 3 Years from injury date or 1 Year from date of discovery. N.R.S. § 41A.097(2)	<u>Breach of Express Warranty</u> : 6 Years N.R.S. § 11.190  <u>Breach of Implied Warranty</u> : 4 Years N.R.S. § 11.190	4 Years N.R.S. § 11.190	<u>Construction</u> : As of 2/24/15, AB 125 creates one universal statute of repose. Previously, Nevada had a complex statute of repose scheme for construction defect claims. It had different statute of repose based on whether the defect was patent, latent, known to contractor, or was caused by “willful misconduct” of contractor. Each statute had a saving clause where if injury or damage occurred in the last year of statute of repose, the homeowner had an extra 2 years to bring the claim.  Under new law, <u>all</u> actions for construction defects must be commenced within 6 years of substantial completion, unless tolled. New law applies retroactively to actions where substantial completion of home occurred prior to 2/24/15. One-year grace period for homeowners to bring claims under prior statutes of repose for homes completed before the effective date of AB 125 that would otherwise be time barred. N.R.S. § AB 125, § 2 (2015).  <u>Products</u> : None.
NEW HAMPSHIRE	3 Years N.H. Rev. Stat. Ann. § 508:4(I)	3 Years N.H. Rev. Stat. Ann. § 508:4(I)	U.C.C. (4 Years) N.H. Rev. Stat. Ann. § 382-A:2-725	3 Years N.H. Rev. Stat. Ann. § 508:4(I)	<u>Construction</u> : 8 years from substantial completion of improvement to real property. N.H. Rev. Stat. Ann. § 508: 4-b.  <u>Products</u> : 12 years statute of repose under N.H. Rev. Stat. Ann. § 507-D:2 found to be unconstitutional under <i>Heath v. Sears, Roebuck &amp; Co.</i> , 123 N.H. 512 (1983).

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
NEW JERSEY	6 Years N.J.S.A. §§ 2A:14-1	2 Years N.J.S.A. § 2A:14-2	U.C.C. (4 Years) N.J.S.A. § 12A:2-725	<u>Personal Injury:</u> 2 Years <i>Dziewiecki v. Bakula</i> , 180 N.J. 528, 533, 853 A.2d 234, 237 (2004); N.J.S.A. § 2A:14-2 <u>Personal Property:</u> 6 Years <i>Heavner v. Uniroyal</i> , Inc., 63 N.J. 130, 305 A.2d 412 (1973); N.J.S.A. § 2A:14-1	<u>Construction:</u> 10 years from completion of improvement to real property. N.J.S.A. § 2A:14-1.1. <u>Products:</u> None.
NEW MEXICO	4 Years N.M.S.A. § 37-1-4	3 Years N.M.S.A. § 37-1-8	U.C.C. (4 Years) N.M.S.A. § 55-2-725(1); <i>Fernandez v. Char-Li-Jon, Inc.</i> , 888 P.2d 471, 474 (N.M. Ct. App. 1994).	<u>Personal Injury:</u> 3 Years N.M.S.A. § 37-1-8 <u>Property Damage:</u> 4 Years N.M.S.A. § 37-1-4	<u>Construction:</u> 10 years from substantial completion of improvement to real property. N.M.S.A. § 37-1-27. <u>Products:</u> None
NEW YORK	3 Years N.Y. C.P.L.R. § 214, <i>et seq.</i>	3 Years N.Y. C.P.L.R. § 214, <i>et seq.</i> <u>Wrongful Death:</u> 2 Years N.Y. Est. Powers & Trusts Law § 5-4.1 <u>Medical Malpractice:</u> 2 Years and 6 Months (N.Y. C.P.L.R. § 214-a)	U.C.C. (4 Years) N.Y. U.C.C. § 2-725(1)	3 Years N.Y. C.P.L.R. § 214, <i>et seq.</i>	<u>Construction:</u> No statute of repose, but after 10 years, notice of suit must be given to party responsible for professional performance (engineers and architects). N.Y. C.P.L.R. § 214-d. Six-year SOL for construction defects runs from the date of completion of the project. <i>City School District of Newburgh v. Hugh Stubbins &amp; Associates</i> , 85 N.Y.2d 535 (N.Y. App. 1995). No statute of repose for construction claims, only breach of contract SOL by the owner (six years from project completion) and for parties other than the owner (three years from the date injury). <u>Products:</u> None.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
<b>NORTH CAROLINA</b>	3 Years N.C.G.S.A. § 1-52(1)-(5)	3 Years N.C.G.S.A. § 1-52(1)-(5); <i>Nelson v. Patrick</i> , 293 S.E.2d 829 (N.C. 1982).  <u>Wrongful Death</u> : 2 Years N.C.G.S.A. § 1-53(4)	U.C.C. (4 Years) N.C.G.S.A. § 25-2-725(1) but 3 Years when personal injury or property damage other than to product itself. N.C.G.S.A. § 1-52(1)-(5).	3 years N.C.G.S.A. § 1-52(16)	<u>Construction</u> : 6 years after “last act of defendant” or “substantial completion” by the improvement. N.C.G.S.A. § 1-50.  <u>Products</u> : 12 years after “initial purchase” by end user. N.C.G.S.A. § 1-46.1(1).
<b>NORTH DAKOTA</b>	6 Years N.D.C.C. § 28-01-16	6 Years N.D.C.C. § 28-01-16(5)  <u>Medical Malpractice</u> : 2 Years, possibly extend to 6 Years, based on date of discovery. N.D.C.C. § 28-01-18(3).  <u>Wrongful Death</u> : 2 Years N.D.C.C. § 28-01-18(4)	U.C.C. (4 Years) N.D.C.C. § 41-02-104(1)	6 Years N.D.C.C. § 28-01-16(5)	<u>Construction</u> : 10 years for improvement to real property, but it does not apply to manufacturers or suppliers of products used in the improvement. N.D.C.C. § 28-01-44.  <u>Products</u> : 10 years from initial purchase of useful consumption or 11 years from manufacture date. N.D.C.C. § 28-01.3-08.
<b>OHIO</b>	2 Years O.R.C.A. § 2305.10(A)	2 Years O.R.C.A. § 2305.10(A)  <u>Medical Malpractice</u> : 1 Year O.R.C.A. § 2305.113(A)	U.C.C. (4 Years) O.R.C.A. § 2305.09(D) Implied warranty of fitness for a particular purpose arises out of tort, even if it involves the building or repair of a house.  Breach of Written Contract (8 years) O.R.C.A. § 2305.06.	2 Years O.R.C.A. § 2305.10(A)	<u>Construction</u> : 10 years from substantial completion of improvement to real property. If defect discovered less than two years before expiration of 10-year period may bring action within two years from discovery. O.R.C.A. § 2305.131.  <u>Products</u> : 10 years from delivery date to first purchaser unless warranty longer. O.R.C.A. § 2305.10.
<b>OKLAHOMA</b>	2 Years Okla. Stat. Ann. Tit. 12, § 95	2 Years Okla. Stat. Ann. Tit. 12, § 95	5 Years Okla. Stat. Ann. Tit. 12A, § 2-725	2 Years Okla. Stat. Ann. Tit. 12, § 95	<u>Construction</u> : 10 years from substantial completion of improvement to real property. 12 Okla. Stat. Ann. Tit. 12 § 109.  <u>Products</u> : None.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
<b>OREGON</b>	<p>2 Years O.R.S. § 12.110(1) (Except actions based on conversion and actions involving trespass or waste, which is 6 years. O.R.S. § 12.080(3), (4); <i>Goodwin v. Kingsmen Plastering, Inc.</i>, 359 Or. 694, 696, 375 P.3d 463, 465 (2016)).</p>	<p>2 Years O.R.S. § 12.110(1) <u>Wrongful Death:</u> 3 Years O.R.S. § 30.020(1)</p>	<p>4 Years O.R.S. § 72.7250(1)</p>	<p>2 Years O.R.S. § 30.905(1-3)</p>	<p><u>Construction:</u> 10 years from substantial completion of improvement to real property. O.R.S. § 12.135. <u>Products:</u> Suits claiming personal injuries or property damage must be filed before the later of (A) 10 years from date product was purchased for use or consumption, or (B) expiration of statute of repose for an equivalent civil action in the state in which product was manufactured, or, if product was manufactured in foreign country, expiration of statute of repose for an equivalent civil action in the state which product was imported. O.R.S. § 30.905(2). Death cases must be brought within 3 years after death or 10 years after product was purchased, whichever comes first. O.R.S. § 30.905(3).</p>
<b>PENNSYLVANIA</b>	<p>2 Years 42 P.S. § 5524</p>	<p>2 Years 42 P.S. § 5524</p>	<p>U.C.C. (4 Years) 42 P.S. § 5525</p>	<p>2 Years 42 P.S. § 5524</p>	<p><u>Construction:</u> 12 years from substantial completion of improvement, but it generally doesn't apply to manufacturers. Period extended to 14 years if injury occurred between 10<sup>th</sup> and 12<sup>th</sup> year after completion of improvement. 42 P.S. § 5536. <u>Products:</u> None.</p>



STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
<b>RHODE ISLAND</b>	10 Years <i>Romano v. Westinghouse Elec. Co.</i> , 336 A.2d 555 (R.I. 1975).	3 Years R.I.G.L. § 9-1-14 (b)	<u>Personal Injury:</u> 3 Years R.I.G.L. § 9-1-14 (b), unless a direct buyer-seller relationship exists. If so, the U.C.C. four-year SOL applies. <i>Nappi v. John Deere &amp; Co.</i> , 717 A.2d 650 (R.I. 1998). <u>Property Damage:</u> 10 Years R.I.G.L. § 9-1-13(a)	<u>Personal Injury:</u> 3 Years R.I.G.L. § 9-1-14 (b) <u>Property Damage:</u> 10 Years R.I.G.L. § 9-1-13(a)	<u>Construction:</u> 10 years from substantial completion of improvement to real property. R.I.G.L. §9-1-29. <u>Products:</u> 10-year statute found unconstitutional. <i>Kennedy v. Cumberland</i> , 471 A.2d 195 (R.I. 1984).
<b>SOUTH CAROLINA</b>	3 Years S.C. Code Ann. §§ 15-3-530, 15-3-535	3 Years S.C. Code Ann. §§ 15-3-530, 15-3-535, 15-3-545	6 Years S.C. Code Ann. § 36-2-725	3 Years S.C. Code Ann. §§ 15-3-530, 15-3-535	<u>Construction:</u> 8 years from substantial completion of improvement to real property. S.C. Code Ann. § 15-3-640. <u>Products:</u> None.
<b>SOUTH DAKOTA</b>	6 Years S.D.C.L. § 15-2-13(4)	3 Years S.D.C.L. § 15-2-14(3) <u>Medical Malpractice:</u> 2 Years S.D.C.L. § 15-2-14.1	U.C.C. (4 Years) S.D.C.L. § 57A-2-725	3 Years S.D.C.L. § 15-2-12.2	<u>Construction:</u> 10 Years from substantial completion of improvement. If injury occurs during 10 <sup>th</sup> year after substantial completion, action may be brought within one year after injury, but not more than 11 years after substantial completion. S.D.C.L. § 15-2A-3. <u>Products:</u> None.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
TENNESSEE	3 Years T.C.A. § 28-3-105	1 Year T.C.A. § 28-3-104	U.C.C. (4 Years) T.C.A. § 47-2-725(1)	<u>Personal Injury:</u> 1 Year T.C.A. § 28-3-104 <u>Property Damage:</u> 3 Years T.C.A. § 28-3-105	<u>Construction:</u> 4 years from substantial completion of improvement to real property. If injury occurred during 4 <sup>th</sup> year after substantial completion, action must be brought in one year after injury. Action involving real estate must be brought within five years after substantial completion. T.C.A. § 28-3-202. <u>Products:</u> Shorter of 10 years from first purchase date or use or within one year from expiration of useful life. T.C.A. § 29-28-103.
TEXAS	2 Years Tex. Civ. Prac. & Rem. Code Ann. § 16.003	2 Years Tex. Civ. Prac. & Rem. Code Ann. § 16.003	U.C.C. (4 Years) Tex. Bus. & Com. Code Ann. § 2.725	2 Years Tex. Civ. Prac. & Rem. Code Ann. § 16.003	<u>Construction:</u> 10 years from substantial completion of improvement to real property. Tex. Civ. Prac. & Rem. Code § 16.008. If claim during 10-year period, extended for two years from date of claim. If injury occurs during 10 <sup>th</sup> year, may sue up to two years after accrual. Tex. Civ. Prac. & Rem. Code § 16.009. <u>Products:</u> 15 years from sale unless manufacturer says useful life is longer. Tex. Civ. Prac. & Rem. Code Ann. § 16.012.
UTAH	3 Years U.C.A. § 78B-2-305(1) <u>Improvements to Real Property:</u> 2 Years U.C.A. § 76B-2-225	4 Years U.C.A. § 78B-2-307(3) <u>Wrongful Death:</u> 2 Years <u>Medical Malpractice:</u> 2 Years U.C.A. § 78B-2-304(2) and U.C.A. § 78(B)-3-404	<u>Personal Injury:</u> 4 Years U.C.A. § 78B-2-307(3) <u>Property Damage:</u> 3 Years U.C.A. § 78B-2-305(1)	<u>Personal Injury:</u> 2 Years U.C.A. § 78B-6-706 <u>Property Damage:</u> 2 Years U.C.A. § 78B-6-706	<u>Construction:</u> If breach of contract or warranty case, six years from completion. All others two years from discovery or reasonable discoverability but not more than nine years. If discovered in 8 <sup>th</sup> or 9 <sup>th</sup> year, then 2 additional years. U.C.A. § 78B-2-225. <u>Products:</u> None.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
VERMONT	3 Years Vt. Stat. Ann. Tit. 12, § 512(5)	3 Years Vt. Stat. Ann. Tit. 12, § 512(4) <u>Wrongful Death:</u> 2 Years Vt. Stat. Ann. Tit. 14, § 1492 <u>Medical Malpractice:</u> Later of 3 years from incident or 2 years from discovery. Vt. Stat. Ann. Tit. 12, § 521.	U.C.C. (4 years) Vt. Stat. Ann. Tit. 9A, § 2-725	3 Years Vt. Stat. Ann. Tit. 12, § 512(4), (5)	<u>Construction:</u> 6 years after cause of action arises where “Common Interest Ownership community (condominium, planned community, or real estate cooperative) involved.” Vt. Stat. Ann. Tit. 27A, § 4-116(a). <u>Products:</u> None.
VIRGINIA	5 Years Va. St. § 8.01-243(B)	2 Years Va. St. § 8.01-243(A)	U.C.C. (2 Years) <u>Property Damage:</u> 4 Years Va. St. § 8.1A-101, et seq. and Va. St. § 8.2-725 (Property Subject to Contract) <u>Personal Injury:</u> 2 Years Va. St. §§ 8.01-243, 8.01-246	<u>Personal Injury:</u> 2 Years Va. St. § 8.01-243(A) <u>Property Damage:</u> 5 Years Va. St. § 8.01-243(B) 4 Years if property subject to contract is damaged. Va. St. § 8.2-725.	<u>Construction:</u> 5 years for improvement to real property for injuries resulting from ordinary building materials. The statute excludes manufacturers or suppliers of equipment or machinery installed in real property. Va. St. § 8.01-250. <u>Products:</u> None.
WASHINGTON	<u>Intentional Acts:</u> 2 Years R.C.W.A. § 4.16.100 <u>Negligence Claim:</u> 3 Years R.C.W.A. § 4.16.080	<u>Intentional Acts:</u> 2 Years R.C.W.A. § 4.16.100 <u>Negligence Claims:</u> 3 Years R.C.W.A. § 4.16.080 <u>Medical Malpractice:</u> Later of 3 years from date of act or 1 year from discovery of injury. R.C.W.A. § 4.16.350	U.C.C. (4 Years) R.C.W.A. § 62A.2-725	3 Years R.C.W.A. § 7.72.060(3)	<u>Construction:</u> 6 years from substantial completion of construction on improvement to real property. This specifically does not apply to product manufacturers. R.C.W.A. § 4.16.310; R.C.W.A. § 4.16.300. <u>Products:</u> After 12 years, rebuttable presumption that useful safe life has expired.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
WEST VIRGINIA	2 Years W. Va. Code § 55-2-12	2 Years W. Va. Code § 55-2-12	U.C.C. (4 Years) W. Va. Code § 46-2-725(1)	2 Years W. Va. Code § 55-2-12	<u>Construction</u> : 10 years from occupying or acceptance of real property by owner for actions arising out of the planning, design, surveying, observation or supervision of any construction to real property. W. Va. Code § 55-2-6a. <u>Products</u> : None.
WISCONSIN	6 Years (Non-Auto) Wis. Stat. § 893.52(1) 3 Years (Auto) Wis. Stat. § 893.52(2). Action for property damage (real or personal), which accrues prior to 2/6/16, must be brought within six (6) years after the cause of action accrues. Wis. Stat. § 893.52(1). For actions after 2/6/16 if property damages are caused by a motor vehicle, action must be brought within three (3) years. Wis. Stat. § 893.52(2).	<u>Non-Auto Bodily Injury</u> : 3 Years (auto and non-auto) Wis. Stat. § 893.54(1m) <u>Assault/Battery/Libel/Slander/Intentional Act</u> : 3 Years, Wis. Stat. § 893.54. <u>Death Arising from Accident Involving Motor Vehicle occurring on or after 2/6/16</u> : 2 Years from date of <i>accident</i> – not death. Wis. Stat. § 893.54(2m); <i>Christ v. Exxon Mobil Corp.</i> , 866 N.W.2d 602 (Wis. 2015). <u>Death Arising from Accident Involving Motor Vehicle occurring prior to 2/6/16</u> : 3 Years from date of <i>accident</i> .	6 Years <i>Selzer v. Brunsell Bros.</i> , 652 N.W.2d 806 (Wis. Ct. App. 2002).	<u>Personal Injury</u> : 3 Years Wis. Stat. § 893.54 <u>Wrongful Death Arising from Accident Involving Motor Vehicle</u> and loss occurs after 2/6/16: 2 Years, Wis. Stat. § 893.54(2m) <u>Property Damage</u> : 6 Years Wis. Stat. § 893.52	<u>Construction</u> : 7 years from substantial completion of improvement to real property. Does not apply to the manufacturer or producer of the material used in an improvement to real property. Wis. Stat. § 893.89. <u>Products</u> : 15 years from date of manufacture, unless manufacturer makes a specific representation that product will last longer than 15 years. Product liability statute of repose applies only to causes of action commenced on or after February 1, 2011. It also applies only to strict liability claims – not claims based on negligence or breach of warranty. Wis. Stat. § 895.047.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	WARRANTY	STRICT PRODUCT LIABILITY	STATUTE OF REPOSE
<b>WYOMING</b>	4 Years Wyo. Stat. § 1-3-105(a)(iv)(C)	<u>Personal Injury</u> : 4 Years Wyo. Stat. § 1-3-105(a)(iv)(C) <u>Wrongful Death</u> : 2 Years Wyo. Stat. § 1-38-102(d) <u>Medical Malpractice</u> : 2 Years, unless discovery in 2 <sup>nd</sup> year, then extended by 6 months. Wyo. Stat. §§ 1-3-107(a)(I) and (a)(iv).	U.C.C. (4 Years) Wyo. Stat. § 34.1-2-725	4 Years Wyo. Stat. § 1-3-105(a)(iv)(C); <i>Ogle v. Caterpillar Tractor Co.</i> , 716 P.2d 334 (Wyo. 1986).	<u>Construction</u> : 10 years from substantial completion of improvement to real property. Wyo. Stat. § 1-3-111. <u>Products</u> : None.

These materials and other materials promulgated by Matthiesen, Wickert & Lehrer, S.C. may become outdated or superseded as time goes by. If you should have questions regarding the current applicability of any topics contained in this publication or any of the publications distributed by Matthiesen, Wickert & Lehrer, S.C., please call Gary Wickert at (800) 637-9176 or contact him via e-mail at [gwickert@mwl-law.com](mailto:gwickert@mwl-law.com). This publication is intended for the clients and friends of Matthiesen, Wickert & Lehrer, S.C. This information should not be construed as legal advice concerning any factual situation and representation of insurance companies and/or individuals by Matthiesen, Wickert & Lehrer, S.C. on specific facts disclosed within the attorney\client relationship. These materials should not used in lieu thereof in anyway.