



STATUTES OF LIMITATIONS FOR ALL 50 STATES

A statute of limitations (SOL) 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	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
ALABAMA	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	An action is commenced by filing a complaint with the court. Ala. R. Civ. P. Rule 3(a). If the summons and complaint are not served upon a domestic defendant within 120 days of filing the complaint, the court can, after 14 days’ notice to Plaintiff, dismiss the action without prejudice as to the defendant not served, or, upon a showing of good cause, extend the period to effect service. Ala. R. Civ. P. Rule 4(b).	2 Years (Product Liability) Ala. Stat. § 6-2-38 4 Years (Breach of Warranty) Ala. Stat. § 7-2-725(1)	<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.

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ALASKA	2 Years Alaska Stat. § 09.10.050, 070(a)	2 Years Alaska Stat. § 09.10.070(a)	A civil action is commenced by filing a complaint, a completed case description form, and an envelope addressed to the plaintiff with sufficient postage to mail all summonses that will be issued in the case. Alaska R. Civ. Proc. 3(a). If a defendant is not served 120 days after filing the complaint, the clerk will send a notice to show good cause. If good cause is not shown within 30 days after distribution of notice, the court will dismiss the case without prejudice as to the defendant not served. Alaska R. Civ. Proc. 4(j).	2 Years (Product Liability) Alaska Stat. § 09.10.070(a) U.C.C. 4 Years (Breach of Warranty) Alaska Stat. § 45.02.725; <i>Armour v. Alaska Power Auth.</i> , 765 P.2d 1372, 1375 (Alaska 1988).	<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	A civil action is commenced by filing a complaint with the court. Ariz. R. Civ. P. 3. If a defendant is not served within 90 days of filing the complaint, after motion or notice to the plaintiff, the court must dismiss the action without prejudice as to the defendant that was not served, or order that service be made within a specified time. Ariz. R. Civ. P. 4(i).	2 Years (Product Liability) 4 Years (Breach of Warranty) A.R.S. § 47-2725	<u>Construction</u> : 8 years from substantial completion of improvement to real property; 9 years if defect is discovered in the 8 th 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).

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ARKANSAS	3 Years A.C.A. § 16-116-103	3 Years A.C.A. § 16-116-103 <u>Med Malpractice:</u> 2 Years A.C.A. § 16-114-203(a)	A civil action is commenced by filing a complaint with the clerk of the court. ARCP Rule 3(a). If a defendant is not served within 120 days after filing the complaint, the action will be dismissed without prejudice as to the defendant not served. ARCP Rule 4(i)(1). Upon written motion and a showing of good cause made before expiration of the service deadline, the court can extend the service deadline. ARCP Rule 4(i)(2).	3 Years (Product Liability) A.C.A. § 16-116-103 <u>Property Damage:</u> 4 Years (Breach of Warranty) A.C.A. § 4-2-725 <u>Personal Injury:</u> 3 Years (Breach of Warranty) <i>Follette v. Wal-Mart Stores, Inc.</i> , 41 F.3d 1234 (8 th Cir. 1994).	<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.

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CALIFORNIA	<p>3 Years Cal. Civ. Proc. Code § 338(c)(1)</p> <p><u>Contractors/Architects:</u> 4 years from substantial completion. Cal. Civ. Proc. Code § 337.1</p>	<p>2 Years Cal. Civ. Proc. Code § 335.1</p>	<p>A civil action is commenced when the complaint is filed. Cal. Civ. Proc. Code § 350. The complaint must be served on all named defendants and proofs of service on those defendants must be filed with the court within 60 days after filing of the complaint. Cal Rules of Court, Rule 3.110.</p>	<p><u>Personal Injury:</u> 2 Years (Product Liability) Cal. Civ. Proc. Code § 335.1</p> <p><u>Property Damage:</u> 3 Years (Product Liability) Cal. Civ. Proc. Code § 338(c)(1) U.C.C. (4 Years) (Breach of Warranty) Cal. U. Com. Code § 2725</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>The Right to Repair Act was passed in 2003. Civ. Code, § 895, <i>et seq.</i> It has its own ten-year statute of repose. A claimant proceeding under the Act must provide proper notice of the pre-litigation claim to the builder within the ten-year period. This notice temporarily tolls the statute of repose until the pre-litigation process is complete.</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>

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COLORADO	<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 & 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 & 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>A civil action is commenced by either filing a complaint with the court, or by service of a summons and complaint. C.R.C.P. 3(a). If commenced by service, the complaint must be filed within 14 days of service, unless the defendant waives the filing requirement by filing a responsive pleading. C.R.C.P. 3(a). If a defendant is not served within 63 days (nine weeks) after the complaint is filed, the court must dismiss the action without prejudice against that defendant or order that service be made within a specified time, unless the plaintiff shows good cause, which then requires the court to extend the time for service for an appropriate period. C.R.C.P. 4(m).</p>	<p>2 Years (Product Liability) C.R.S. § 13-80-106(1)</p> <p>3 Years (Breach of Warranty) C.R.S. § 13-80-101(1)(a)</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 5th or 6th 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>

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CONNECTICUT	<p>2 Years C.G.S.A. § 52-584</p> <p>The Conn. legislature distinguishes “injury” or actionable harm, from “the act or omission complained of” and provides a 3-year statute of repose. <i>Tarnowsky v. Socci</i>, 856 A.2d 408 (Conn. 2004).</p>	<p>2 Years C.G.S.A. § 52-584</p>	<p>A civil action is commenced by serving a writ of summons and a complaint. Conn. Gen. Stat. § 52-45a; Conn. Practice Book § 8-1(a). Service must be attained twelve days before the return date. Conn. Gen. Stat. § 52-46. Service must be returned to the court at least six days before the return date. Conn. Gen. Stat. § 52-46a. Importantly, the return date can only fall on a Tuesday. C.G.S.A. § 52-48(a).</p>	<p>3 Years (Product Liability)</p> <p>3 Years (Breach of Warranty) C.G.S.A. § 52-577(a)</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 7th 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>
DELAWARE	<p>2 Years (3 Years if not discoverable in 2 Years) 10 Del. C. § 8107</p>	<p>2 Years (3 Years if not discoverable in 2 Years) 10 Del. C. § 8119</p>	<p>A civil action, except an amicable action, is filed by serving a complaint. Del. Super. Ct. Civ. R. 3(a). If a defendant is not served within 120 days after filing of the complaint, absent good cause, the action will be dismissed without prejudice as to the defendant not served. Del. Super. Ct. Civ. R. 4(j).</p>	<p>2 Years (Product Liability) 10 Del. C. § 8119 § 8107. U.C.C. (4 Years) (Breach of Warranty) 6 Del. C. § 2-725</p> <p>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).</p>	<p><u>Construction</u>: 6 years from substantial completion of improvement to real property. 10 Del. C. § 8127.</p> <p><u>Products</u>: None.</p>

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DISTRICT OF COLUMBIA	3 Years D.C. Code § 12-301	3 Years <u>Wrongful Death:</u> 1 Year D.C. Code § 12-301	A civil action is commenced by filing a complaint with the court. D.C. SCR-Civil Rule 3. The plaintiff must file either an acknowledgment of service or proof of service of the summons, complaint, Initial Order, any addendum to that order, and any other order directed by the court to the parties at the time of filing, within 60 days of filing the complaint. D.C. SCR-Civil Rule 4(m)(1)(A). A motion can be made to extend the time for service. D.C. SCR-Civil Rule 4(m)(2). An exception to the service of summons rule exists for subrogation cases. D.C. SCR-Civil Rule 4(m)(1)(b)(ii). In cases where a subrogee seeks recovery of greater than \$10,000, the time to file proof of service is extended to 180 days. .C. SCR-Civil Rule 40-III(b).	3 Years (Product Liability) D.C. Code § 12-301 3 Years (Breach of Warranty) D.C. Code § 12-301 <u>Breach of Contract for Sale:</u> 4 Years (Breach of Warranty) D.C. Code § 28:2-725	<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>Med Malpractice:</u> 2 Years F.S.A. § 95.11(4)(b)	A civil action is commenced when the complaint is filed. Fla. R. Civ. P. 1.050. If service is not made upon a defendant within 120 days after filing, the court, after notice or on motion, shall direct that service be effected within a specified time or shall dismiss the action without prejudice or drop that defendant as a party. Fla. R. Civ. P. 1.070(j). If the plaintiff shows good cause or excusable neglect for the failure, the court shall extend the time for service for an appropriate period. Fla. R. Civ. P. 1.070(j).	4 Years (Product Liability) F.S.A. § 95.11(3)(a),(e),(k) U.C.C. 4 Years (Breach of Warranty) F.S.A. § 95.11(3)(k) <u>Breach of Express Warranty:</u> 5 Years (Breach of Warranty) F.S.A. § 95.11(2)(b)	<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.

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GEORGIA	<p>4 Years</p> <p>O.C.G.A. §§ 9-3-30 (real property) and 9-3-31 (personal property).</p> <p><u>NOTE:</u> 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>Filing suit must be followed by perfection of service within time required by law. Plaintiff must act with due diligence. <i>Hilton v. Maddox, Bishop, Hayton Frame & Trim Contractors, Inc.</i>, 188 S.E.2d 167 Ga. App. 1972).</p> <p>Issuance and service of process-the service to be made within five (5) days from the time of receiving the summons and complaint. Ga. St. § 81A-104</p> <p>When service is made after the SOL expires, the plaintiff must act reasonably and diligently in attempting to obtain service as quickly as possible. <i>Lipscomb v. Davis</i>, 783 S.E.2d 398 (Ga. App. 2016).</p>	<p><u>Personal Injury:</u> 2 Years (or 1 Year from date of death) (Product Liability) O.C.G.A. § 9-3-33</p> <p><u>Personal Property Damage:</u> 4 Years (Product Liability) O.C.G.A. § 9-3-30, 31</p> <p>U.C.C. (4 Years) (Breach of Warranty) O.C.G.A. § 11-2-725</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 7th or 8th 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>
HAWAII	<p>2 Years</p> <p>Haw. Rev. Stat. § 657-7</p>	<p>2 Years</p> <p>Haw. Rev. Stat. § 657-7</p>	<p>Hawaii has no explicit duty to serve the Complaint within the SOL, however there is a rule stating that the plaintiff must have an "intent to serve." Section 657-22 does not require a plaintiff to actually serve the defendant or to exercise due diligence. Instead, it requires the "intent" to serve within the SOL at the time "any process was issued." <i>Heiser v. Ass'n of Apartment Owners of Polo Beach Club</i>, 848 F. Supp. 1482 (D. Haw. 1993).</p>	<p>2 Years (Product Liability) Haw. Rev. Stat. §657-7</p> <p><u>Breach of Implied Warranty of Merchantability:</u> 4 Years (Product Liability) (Haw. Rev. Stat. § 490:2-725).</p> <p>U.C.C. (4 years) (Breach of Warranty) 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>

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IDAHO	3 Years Idaho Code § 5-218(2),(3)	2 Years Idaho Code § 5-219(4)	There is no requirement that the Complaint be served prior to the expiration of the SOL. The only requirement is a 6-month rule for service after filing of the Complaint. Idaho R.C.P 4(a)(2).	2 Years (Product Liability) Idaho Code § 5-219 <u>Personal Injury</u> : 2 Years (Breach of Warranty) Idaho Code § 5-219(4) <u>Property Damage</u> : 4 Years (Breach of Warranty) Idaho Code § 28-2-725(1)	<u>Construction</u> : 6 years from final completion of improvement to real property. Idaho Code § 5-241. <u>Products</u> : 10 years or after product's "useful safe life." Idaho Code § 6-1403(3) (Rebuttable Presumption).
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, construction management" is involved. 735 I.L.C.S. § 5/13-214(a); <i>Fed. Ins. Co. v. Konstant</i> 902 N.E.2d 1213 (Ill. App. 2009). <u>Med Malpractice</u> : Statutes vary as defined in 735 I.L.C.S. § 5/13-212.	Illinois Supreme Court Rule 103(b) requires a plaintiff to exercise diligence in serving a defendant. The rule is based on the principle that litigation should have an end-date and not languish. <i>Mular v. Ingram</i> , 33 N.E.3d 771 (Ill. App. 2015). Plaintiff must exercise reasonable diligence to obtain service upon defendant prior to expiration of SOL (avoiding issues with SC Rule 103(b) or other related state service rules.	<u>Personal Injury</u> : 2 Years (Product Liability) 735 I.L.C.S. § 5/13-202 <u>Personal Property</u> : 5 Years (Product Liability) I.L.C.S. § 5/13-205 4 Years (Breach of Warranty) (except when express warranty covers future performance past four-year SOL period). 810 I.L.C.S. § 5/2-725.	<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.

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INDIANA	2 Years I.C. § 34-11-2-4	2 Years I.C. § 34-11-2-4	There is no requirement that the Complaint be served or properly served within that period of time. <i>Elam v. Neville</i> , 129 F. Supp. 437 (N.D. Ind. 1955).	2 Years (Product Liability) I.C. § 34-11-2-4 U.C.C. (4 Years) (Breach of Warranty) I.C. § 26-1-2-725	<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 th or 10 th 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.
IOWA	5 Years I.C.A. § 614.1(4)	2 Years I.C.A. § 614.1(2)	Plaintiff has duty to use due diligence to secure service of process. Iowa Trial Procedure Rules 4, 41(E). Remedy for failure to use due diligence in effecting service of process is not retrospective determination that action was never commenced, statute of limitations not tolled, but motion to dismiss for failure to prosecute. <i>Taylor v. Lewis</i> , 577 N.E.2d 986 (Ind. App. 1991).	<u>Personal Injury</u> : 2 Years (Product Liability) I.C.A. § 614.1(2) <u>Personal Property</u> : 5 Years (Product Liability) I.C.A. § 614.1(4) <u>Breach of Implied Warranty</u> : 5 Years (Breach of Warranty) I.C.A. §§ 554.2725, 614.1(4),(5) <u>Breach of Express Warranty</u> : 10 Years (Breach of Warranty) I.C.A. §§ 554.2725, 614.1(5)	<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).

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KANSAS	2 Years K.S.A. § 60-513	2 Years K.S.A. § 60-513	Service required within 90 days after petition is filed. This time may be extended an additional 30 days upon a showing of good cause by the plaintiff, if service of process or first publication is not made within 90 days. K.S.A. § 60-203. <i>Wheat v. Kinslow</i> , 316 F.Supp.2d 944 (D. Kan. 2003).	2 Years (Product Liability) K.S.A. § 60-513 U.C.C. (4 Years) (Breach of Warranty) K.S.A. § 84-2-725	<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)	Taking out of summons is presumptive evidence of an intention to have it served in due course, but that presumption may be rebutted by the facts. <i>Hearn v. Family Dollar Holdings, Inc.</i> , 519 S.W.3d 785 (Ky. App. 2017). Summons filled out and signed, but with no present intention of having it served is inoperative in commencing an action. <i>Isaacs v. Caldwell</i> , 530 S.W.3d 449 (Ky. 2017). Action not commenced prior to expiration of limitations period where summons issued prior to expiration of limitations period but held by plaintiff until after expiration of period. <i>Gibson v. EPI Corp.</i> , 940 S.W.2d 912 (Ky. App. 1997).	<u>Personal Injury</u> : 1 Year (Product Liability) K.R.S. § 413.140(1)(a) <u>Personal Property</u> : 2 Years (Product Liability) K.R.S. § 413.125 U.C.C. (4 Years) (Breach of Warranty) K.R.S. § 355.2-725	<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.

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LOUISIANA	<p>1 Year L.S.A.-C.C. Art. § 3492</p> <p>In Louisiana, a SOL 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>There is a 90-day service requirement under L.S.A.-C.C.P. 1201, after which the claim prescribes if past the prescription date. You can argue extension with good faith efforts to serve.</p>	<p>1 Year (Product Liability) L.S.A.-C.C. Art. § 3492, 3595</p> <p>In cases where seller did not know of the defect, the earlier of four (4) years (Breach of Warranty) from delivery date or one (1) year (Breach of Warranty) 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>In Louisiana, statutes that bar a claim after a specified period of time following the completion of services or the substantial completion of construction. are called <i>Peremption periods</i>. These Peremption 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 5th 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 (SOL). 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 Peremption time period destroys the cause of action itself; and (2) nothing may interfere with the running of a Peremption time period. <i>Naghi v. Brener</i>, 17 So.3d 919 (La. 2009).</p>

STATE	PERSONAL PROPERTY	PERSONAL INJURY	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	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>Med Malpractice:</u> 3 Years 24 M.R.S.A. § 2902	Action is commenced (1) by the service of a summons, complaint, and notice regarding electronic service, or (2) by filing a complaint with the court. With (1), complaint must be filed with the court within 20 days after completion of service. With (2), return of service must be filed with within 90 days after filing of the complaint. Otherwise, the action may be dismissed, and the court may, in its discretion, rule that the action was vexatiously commenced, tax a reasonable attorney's fee as costs in favor of the defendant, to be recovered of the plaintiff or the plaintiff's attorney. Me. R. Civ. P. 3.	6 Years (Product Liability) 14 M.R.S.A. § 752 <u>Personal Injury:</u> 6 Years (Breach of Warranty) 14 M.R.S.A. § 752 <u>Property Damage:</u> 4 Years (Breach of Warranty) 11 M.R.S.A. § 725	<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>Med Malpractice:</u> Earlier of 5 years after injury date or 3 years after injury discovered.	Plaintiff must serve defendant with process within 60 days after the clerk issues the summons (Md. Rule 2-113) or 30 days after clerk issues the summons for district court (Md. Rule 3-113). If the service of process time period has expired, plaintiff may make a written request to renew the summons (Md. Rule 2-113 and 3-113).	3 Years (Product Liability) Md. Cts. & Jud. Proc. Code § 5-101; <i>Phipps v. General Motors Corp.</i> , 363 A.2d 955, 962 (Md. 1976). U.C.C. (4 Years) (Breach of Warranty) Md. Com. Law Code § 2-725	<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; Mass. Ann. Laws Ch. 106 §§ 2-318	3 Years Mass. Ann. Laws Ch. 260 §§ 2A and 4	Service of the summons upon the defendant is required within 90 days after filing of the complaint. Unless the serving party can show good cause why such service was not made within that period, the action shall be dismissed without prejudice. Mass. R. Civ. P. 4 (j).	3 Years (Product Liability) Mass. Ann. Laws Ch. 260 §§ 2A and 4 3 Years (Breach of Warranty) Mass. Ann. Laws Ch. 106 § 2-318	<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	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
MICHIGAN	<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 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 one year. M.C.L.A. § 500.3145.</p> <p>One year after accident to make first-party PIP claim. M.C.L.A. § 500.3145</p> <p><u>Med Malpractice:</u> Two years or 6 months after injury discovered M.C.L.A. §§ 600.5805(6), 600.5838.</p>	<p>The SOL is tolled only when the complaint is filed and if any of the M.C.L.A. § 600.5856 requirements are met: (1) at the time the complaint is filed, the defendant is served, (2) jurisdiction over the Defendant is acquired in some other way, (3) proper notice is given to the defendant in compliance with M.C.L.A. § 600.2912b (Medical Malpractice actions). Mich. Comp. Laws Ann. § 600.5856.</p> <p>A summons expires 91 days after the date the summons is issued. However, on a showing of due diligence by plaintiff in attempting to serve the original summons, the judge may order a second summons to issue for a definite period not exceeding one year from the date the summons is issued. Mich. Ct. R. 2.102</p>	<p>3 Years (Product Liability) M.C.L.A. § 600.5805(13)</p> <p>U.C.C. (4 Years) (Breach of Warranty) M.C.L.A. § 440.2725</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>

STATE	PERSONAL PROPERTY	PERSONAL INJURY	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
MINNESOTA	6 Years M.S.A. § 541.05	<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>Med 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>A civil action is commenced: (a) when the summons is served upon a defendant; or (b) at the date of signing of a waiver of service pursuant to Rule 4.05; or (c) when the summons is delivered to the sheriff in the county where the defendant resides for service; but such delivery shall be ineffectual unless within 60 days thereafter the summons is actually served on that defendant or the first publication thereof is made. Minn. R. Civ. P. 3.01. Rule 3.01 makes clear that delivery to a private process server is not effective to commence an action upon delivery of a summons regardless whether service is actually made 60 days thereafter. In such a case, service is effective, but the action is deemed commenced as of the date service is actually made. Minn. R. Civ. P. 3.0, Advisory Committee Note – 1985.</p> <p>There is a 60-day grace period when the summons is delivered to the sheriff in the county in which the defendant resides for service. <i>Johnson v. Husebye</i>, 469 N.W.2d 742, 745 (Minn. App. 1991).</p>	<p><u>Strict Product Liability:</u> 4 Years (Product Liability) M.S.A. § 541.05 subd.2</p> <p><u>Breach of Warranty:</u> 4 Years (Product Liability) M.S.A. § 336.2-725(1)</p> <p><u>Negligence-Based:</u> 6 Years (Product Liability) M.S.A. § 541.05(5)</p> <p>4 Years (Breach of Warranty) M.S.A. § 336.2-725(1)</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>

STATE	PERSONAL PROPERTY	PERSONAL INJURY	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
MISSISSIPPI	3 Years M.C.A. § 15-1-49	3 Years M.C.A. § 15-1-49 <u>Med Malpractice:</u> 2 Years M.C.A. § 15-1-36	Filing a complaint tolls the applicable SOL for 120 days, but if the plaintiff fails to serve the defendant within those 120 days, the SOL automatically begins to run again. <i>Watters v. Stripling</i> , 675 So.2d 1242, 1244 (Miss. 1996). Service of summons upon a defendant is required within 120 days after filing of the complaint and the party on whose behalf such service was required cannot show good cause why such service was not made within that period, the action shall be dismissed as to that defendant without prejudice upon the court's own initiative with notice to such party or upon motion. M.R.C.P. 4 (h)	3 Years (Product Liability) M.C.A. § 15-1-49 <u>Breach of Contract for Sale:</u> 6 Years (Breach of Warranty) M.C.A. § 75-2-725 <u>Unwritten Contracts:</u> 3 Years (Breach of Warranty) M.C.A. 15-1-29	<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. <u>Products:</u> None.
MISSOURI	5 Years Mo. Rev. Stat. § 516.120(4)	5 Years Mo. Rev. Stat. § 516.120(4) <u>Med Malpractice:</u> 2 Years Mo. Rev. Stat. § 516.105 <u>Wrongful Death:</u> 3 Years Mo. Rev. Stat. § 537.100	Only the filing of a petition with the court is required to commence an action. Mo. Sup. Ct. R. 53.01. Diligent service of process is not a factor in considering whether an action has been commenced within the SOL. <i>Ostermueller v. Potter</i> , 868 S.W.2d 110 (Mo. 1993). If process cannot be served it shall be returned to the court within 30 days after the date of issue with a statement of the reason for failure to serve same. However, the time for service may be extended up to 90 days from the date of issue by order of the court. Mo. Sup. Ct. R. 54.21.	5 Years (Product Liability) Mo. Rev. Stat. § 516.120 5 Years (Breach of Warranty) 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.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
MONTANA	<p>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)).</p>	<p>3 Years Mont. Stat. § 27-2-204(1),(2)</p>	<p>Only the filing of a petition with the court is required to commence an action. M. R. Civ. P. 3. Plaintiffs can file a complaint prior to the SOL and serve it within a reasonable time thereafter. <i>Beedie v. Shelley</i>, 187 Mont. 556, 561, 610 P.2d 713, 716 (1980).</p> <p>A plaintiff must accomplish service within three years after filing a complaint. Absent an appearance by defendant(s), the court, upon motion or on its own initiative, must dismiss an action without prejudice if the plaintiff fails to do so. M. R. Civ. P. 4.</p>	<p><u>Strict Liability Claims:</u> 3 Years (Product Liability) Mont. Stat. § 27-2-202</p> <p><u>Negligence Resulting in Personal Injury:</u> 3 Years (Product Liability) Mont. Stat. § 27-2-202</p> <p><u>Negligence Resulting in Property Damage:</u> 2 Years (Product Liability) Mont. Stat. § 27-2-207</p> <p><u>Breach of Express Warranty:</u> 4 Years (Breach of Warranty) Mont. Stat. § 30-2-725</p> <p><u>Breach of Implied Warranty:</u> 3 Years (Breach of Warranty) <i>Bennett v. Dow Chem. Co.</i>, 713 P.2d 992 (Mont. 1986).</p>	<p><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.</p> <p><u>Products:</u> None.</p>
NEBRASKA	<p>4 Years Neb. Rev. Stat. § 25-207</p>	<p>4 Years Neb. Rev. Stat. § 25-207</p> <p><u>Wrongful Death:</u> 2 Years. Neb. Rev. Stat. §§ 30-809 and 30-810</p> <p><u>Med Malpractice:</u> Two years from injury date or one year from date injury was discovered. Neb. Rev. Stat. § 25-222.</p>	<p>Each defendant should be properly served within 180 days of the commencement of the action. If the action is stayed or enjoined during this 180-day period, then any defendant who was not properly served before the action was stayed or enjoined must be properly served within 90 days after the stay or injunction is terminated or modified so as to allow the action to proceed. Neb. Rev. Stat. Ann. §25-217.</p>	<p>4 Years (Product Liability) Neb. Rev. Stat. § 25-224(1)</p> <p>U.C.C. (4 Years) (Breach of Warranty) Neb. Rev. Stat. § 2-725</p>	<p><u>Construction:</u> 10 years for actions for breach of warranty for improvement to real property. Neb. Rev. Stat. § 25-223.</p> <p><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).</p>

STATE	PERSONAL PROPERTY	PERSONAL INJURY	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	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 one year from discovery date. N.R.S. § 41A.097(2)	The summons and complaint must be served upon a defendant no later than 120 days after the complaint is filed unless the court grants an extension of time under this rule. Nev. R. Civ. P. 4. Service can be completed within this 120-day period even after the SOL has run. <i>Mizzoni v. Nevada</i> , 2016 WL 5620321 (Nev. App. Sept. 27, 2016).	4 Years (Product Liability) N.R.S. § 11.190 <u>Breach of Express Warranty</u> : 6 Years (Breach of Warranty) N.R.S. § 11.190 <u>Breach of Implied Warranty</u> : 4 Years (Breach of Warranty) 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)	An action shall be deemed commenced on the date the complaint is filed. N.H. Super. Ct. R. CIV 4. Plaintiff will serve the summons and complaint on the defendant no later than the court-ordered deadline for service. Proof of service shall be filed with the court within 21 days of the court-ordered deadline for service. N.H. Super. Ct. R. CIV 4.	3 Years (Product Liability) N.H. Rev. Stat. Ann. § 508:4(I) U.C.C. (4 Years) (Breach of Warranty) N.H. Rev. Stat. Ann. § 382-A:2-725	<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 & Co.</i> , 123 N.H. 512 (1983).

STATE	PERSONAL PROPERTY	PERSONAL INJURY	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
NEW JERSEY	6 Years N.J.S.A. §§ 2A:14-1	2 Years N.J.S.A. § 2A:14-2	Summons must be issued within 15 days of the Track Assignment Notice or the court has the discretion to dismiss the case. The dismissal will be without prejudice. R.R. 4:4-1 and 4:372(a).	<p><u>Personal Injury:</u> 2 Years (Product Liability) <i>Dziewiecki v. Bakula</i>, 180 N.J. 528, 533, 853 A.2d 234, 237 (2004); N.J.S.A. § 2A:14-2</p> <p><u>Personal Property:</u> 6 Years (Product Liability) <i>Heavner v. Uniroyal, Inc.</i>, 63 N.J. 130, 305 A.2d 412 (1973); N.J.S.A. § 2A:14-1</p> <p>U.C.C. (4 Years) (Breach of Warranty) N.J.S.A. § 12A:2-725</p>	<p><u>Construction:</u> 10 years from completion of improvement to real property. N.J.S.A. § 2A: 14-1.1.</p> <p><u>Products:</u> None.</p>
NEW MEXICO	4 Years N.M.S.A. § 37-1-4	3 Years N.M.S.A. § 37-1-8	The SOL is tolled by filing suit; but court, in its discretion may dismiss a case for failure to use due diligence in the prosecution of his suit or getting service. <i>Baker v. Sojka</i> , 396 P.2d 195 (N.M. 1964).	<p><u>Personal Injury:</u> 3 Years (Product Liability) N.M.S.A. § 37-1-8</p> <p><u>Property Damage:</u> 4 Years (Products Liability) N.M.S.A. § 37-1-4</p> <p>U.C.C. (4 Years) (Breach of Warranty) 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).</p>	<p><u>Construction:</u> 10 years from substantial completion of improvement to real property. N.M.S.A. § 37-1-27.</p> <p><u>Products:</u> None</p>

STATE	PERSONAL PROPERTY	PERSONAL INJURY	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
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>Med Malpractice:</u> 2 Years and 6 Months (N.Y. C.P.L.R. § 214-a)	Must get service of process within 120 days of filing. If suit is filed less than 120 days prior to SOL running, service must be effectuated within 15 days of the SOL running. The court has discretion to extend this deadline. N.Y. CPLR § 306-b. Plaintiff can move via an Order to Show Cause for an extension of this time period. The court can extend the time for service “upon good cause shown or in the interest justice.” N.Y. C.P.L.R. § 306-b. A showing of reasonable diligence is one factor to be considered by the Court. “Good cause” and “the interest of justice” are two separate standards that govern an extension of the time for service, and both may consider diligence. However, it is only the former standard that requires reasonable diligence as a threshold matter; “the interest of justice” may consider a wider range of factors. <i>Leader v. Maroney, Ponzini & Spencer</i> , 97 N.Y.2d 95 (2001).	3 Years (Product Liability) N.Y. C.P.L.R. § 214, <i>et seq.</i> U.C.C. (4 Years) (Breach of Contract) N.Y. U.C.C. § 2-725(1)	<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 & 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	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
NORTH CAROLINA	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)	Summons must be issued within five days of filing suit. Summons must be served within 60 days. The deadline can be extended. N.C.G.S.A. § 1A-1, Rule 4(a).	3 years (Product Liability) N.C.G.S.A. § 1-52(16) U.C.C. (4 Years) (Breach of Warranty) 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).	<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).
NORTH DAKOTA	6 Years N.D.C.C. § 28-01-16	6 Years N.D.C.C. § 28-01-16(5) <u>Med Malpractice</u> : 2 Years, possibly extend to 6 Years, based on discovery date. N.D.C.C. § 28-01-18(3). <u>Wrongful Death</u> : 2 Years N.D.C.C. § 28-01-18(4)	Action is not commenced until served. It is commenced when summons is delivered to: (1) Sheriff/other officer of county defendants usually or last resided; or (2) Sheriff/other officer, if a corporation is defendant, of county of principal place of business of such corporation, or where business was transacted, or where it kept an office for the transaction of business. N.D.C.C. § 28-01-38.	6 Years (Product Liability) N.D.C.C. § 28-01-16(5) U.C.C. (4 Years) (Breach of Warranty) N.D.C.C. § 41-02-104(1)	<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.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
OHIO	2 Years O.R.C.A. § 2305.10(A)	2 Years O.R.C.A. § 2305.10(A) <u>Med Malpractice:</u> 1 Year O.R.C.A. § 2305.113(A)	A civil action is commenced by filing a complaint with the court if service is obtained within one year from such filing upon a named defendant. Ohio Civ. R. 3.	2 Years (Product Liability) O.R.C.A. § 2305.10(A) U.C.C. (4 Years) (Breach of Warranty) 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) (Breach of Warranty) O.R.C.A. § 2305.06.	<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.
OKLAHOMA	2 Years Okla. Stat. Ann. Tit. 12, § 95	2 Years Okla. Stat. Ann. Tit. 12, § 95	If service of process is not made upon a defendant within 180 days after the filing of the petition and the plaintiff has not shown good cause why such service was not made within that period, the action shall be deemed dismissed as to that defendant without prejudice. Title 12 O.S. 2011 § 2004(l).	2 Years (Product Liability) Okla. Stat. Ann. Tit. 12, § 95 5 Years (Breach of Warranty) Okla. Stat. Ann. Tit. 12A, § 2-725	<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	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
OREGON	<p>6 years for damage to personal property. O.R.S. § 12.080(3)</p> <p>2 years for negligent damage to real property. O.R.S. § 12.110(1)</p> <p>(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)</p> <p><u>Wrongful Death:</u> 3 Years O.R.S. § 30.020(1)</p>	<p>An action is deemed to be commenced as to each defendant, when the complaint is filed, and the summons served on the defendant. This can be extended if service occurs within 60 days of filing. O.R.S. § 12.020.</p>	<p>2 Years (Product Liability) O.R.S. § 30.905(1-3)</p> <p>4 Years (Breach of Warranty) O.R.S. § 72.7250(1)</p>	<p><u>Construction:</u> 10 years from substantial completion of improvement to real property. O.R.S. § 12.135.</p> <p><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>
PENNSYLVANIA	<p>2 Years 42 P.S. § 5524</p>	<p>2 Years 42 P.S. § 5524</p>	<p>Original process must be served within 30 days after the issuance of the writ or the filing of the complaint. Pa. R. Civ. P. 401.</p>	<p>2 Years (Product Liability) 42 P.S. § 5524</p> <p>U.C.C. (4 Years) (Breach of Warranty) 42 P.S. § 5525</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 10th and 12th year after completion of improvement. 42 P.S. § 5536.</p> <p><u>Products:</u> None.</p>

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RHODE ISLAND	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)	If the summons and complaint, and all other required documents are not served within 120 days after suit filed, the court upon motion or on its own (after notice to the plaintiff) shall dismiss the action without prejudice as to that defendant or (if good cause shown) direct that service be effected within a specified time. The court shall extend the time for service for an appropriate period. RI. R. Civ. P. 4.	<p><u>Personal Injury:</u> 3 Years (Product Liability) R.I.G.L. § 9-1-14 (b)</p> <p><u>Property Damage:</u> 10 Years (Product Liability) R.I.G.L. § 9-1-13(a)</p> <p><u>Personal Injury:</u> 3 Years (Breach of Warranty) 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 & Co.</i>, 717 A.2d 650 (R.I. 1998).</p> <p><u>Property Damage:</u> 10 Years (Breach of Warranty) R.I.G.L. § 9-1-13(a)</p>	<p><u>Construction:</u> 10 years from substantial completion of improvement to real property. R.I.G.L. §9-1-29.</p> <p><u>Products:</u> 10-year statute found unconstitutional. <i>Kennedy v. Cumberland</i>, 471 A.2d 195 (R.I. 1984).</p>
SOUTH CAROLINA	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	Summons and complaint must be completed no later than 120 days after suit filed. S.C. R. Civ. P. 3(a)(2).	<p>3 Years (Product Liability) S.C. Code Ann. §§ 15-3-530, 15-3-535</p> <p>6 Years (Breach of Warranty) S.C. Code Ann. § 36-2-725</p>	<p><u>Construction:</u> 8 years from substantial completion of improvement to real property. S.C. Code Ann. § 15-3-640.</p> <p><u>Products:</u> None.</p>

STATE	PERSONAL PROPERTY	PERSONAL INJURY	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
SOUTH DAKOTA	6 Years S.D.C.L. § 15-2-13(4)	3 Years S.D.C.L. § 15-2-14(3) <u>Med Malpractice:</u> 2 Years S.D.C.L. § 15-2-14.1	An action is “commenced” by the service of a summons on the defendant. S.D.C.L. § 315-2-30. Constructive “commencement” of an action and an extension of time for service for 60 days arises when the summons is “delivered”, with the intent that it actually be served, to the sheriff. <i>Meisel v. Piggly Wiggly Co.</i> , 418 N.W.2d 321 (S.D. 1988); S.D.C.L. § 315-2-31.	3 Years (Product Liability) S.D.C.L. § 15-2-12.2 U.C.C. (4 Years) (Breach of Warranty) S.D.C.L. § 57A-2-725	<u>Construction:</u> 10 Years from substantial completion of improvement. If injury occurs during 10 th 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.
TENNESSEE	3 Years T.C.A. § 28-3-105	1 Year T.C.A. § 28-3-104	Action commenced by filing complaint, but if process remains unserved for 90 days, plaintiff must obtain new process within one year. Tenn. R. Civ. Pro. 3 and 4.03.	<u>Personal Injury:</u> 1 Year (Product Liability) T.C.A. § 28-3-104 <u>Property Damage:</u> 3 Years (Product Liability) T.C.A. § 28-3-105 U.C.C. (4 Years) (Breach of Warranty) T.C.A. § 47-2-725(1)	<u>Construction:</u> 4 years from substantial completion of improvement to real property. If injury occurred during 4 th 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	Must “bring suit” on claim within limitations period. To “bring suit” means to both file suit within that period and use “due diligence” to serve the defendant with process. <i>Molina v. Gears</i> , 2018 WL 1404340 (Tex. App.-Houston. [14 th Dist.] 2018).	2 Years (Product Liability) Tex. Civ. Prac. & Rem. Code Ann. § 16.003 U.C.C. (4 Years) (Breach of Warranty) Tex. Bus. & Com. Code Ann. § 2.725	<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 th 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.

STATE	PERSONAL PROPERTY	PERSONAL INJURY	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
UTAH	<p>3 Years U.C.A. § 78B-2-305(1)</p> <p><u>Improvements to Real Property:</u> 2 Years U.C.A. § 76B-2-225</p>	<p>4 Years U.C.A. § 78B-2-307(3)</p> <p><u>Wrongful Death:</u> 2 Years</p> <p><u>Med Malpractice:</u> 2 Years U.C.A. § 78B-2-304(2) and U.C.A. § 78(B)-3-404</p>	<p>Summons and complaint in an action commenced under Rule 3(a)(1) must be served no later than 120 days after the complaint is filed, unless the court orders a different period under Rule 6. Utah R. Civ. Pro. 3(a).</p>	<p><u>Personal Injury:</u> 2 Years (Product Liability) U.C.A. § 78B-6-706</p> <p><u>Property Damage:</u> 2 Years (Product Liability) U.C.A. § 78B-6-706</p> <p><u>Personal Injury:</u> 4 Years (Breach of Warranty) U.C.A. § 78B-2-307(3)</p> <p><u>Property Damage:</u> 3 Years (Breach of Warranty) U.C.A. § 78B-2-305(1)</p>	<p><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 8th or 9th year, then 2 additional years. U.C.A. § 78B-2-225.</p> <p><u>Products:</u> None.</p>
VERMONT	<p>3 Years Vt. Stat. Ann. Tit. 12, § 512(5)</p>	<p>3 Years Vt. Stat. Ann. Tit. 12, § 512(4)</p> <p><u>Wrongful Death:</u> 2 Years Vt. Stat. Ann. Tit. 14, § 1492</p> <p><u>Med Malpractice:</u> Later of 3 years from incident or 2 years from discovery. Vt. Stat. Ann. Tit. 12, § 521.</p>	<p>When action commenced by filing, summons and complaint must be served upon the defendant within 60 days after the filing of the complaint.</p> <p>When an action is commenced by service, complaint must be filed within 21 days after the completion of service. Vt. Ru. Civ. P. 3.</p>	<p>3 Years (Product Liability) Vt. Stat. Ann. Tit. 12, § 512(4), (5)</p> <p>U.C.C. (4 years) (Breach of Warranty) Vt. Stat. Ann. Tit. 9A, § 2-725</p>	<p><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).</p> <p><u>Products:</u> None.</p>

STATE	PERSONAL PROPERTY	PERSONAL INJURY	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
VIRGINIA	5 Years Va. St. § 8.01-243(B)	2 Years Va. St. § 8.01-243(A)	Service of process in an action or suit within 12 months of commencement of the action is timely as to that defendant. After 12 months, service is timely upon a finding by the court that the plaintiff exercised due diligence to have timely service made on the defendant. Va. St. § 8.01-275.1.	<p><u>Personal Injury:</u> 2 Years (Product Liability) Va. St. § 8.01-243(A)</p> <p><u>Property Damage:</u> 5 Years (Product Liability) Va. St. § 8.01-243(B)</p> <p>4 Years if property subject to contract is damaged. Va. St. § 8.2-725.</p> <p>U.C.C. (2 Years)</p> <p><u>Property Damage:</u> 4 Years (Breach of Warranty) Va. St. § 8.1A-101, <i>et seq.</i> and Va. St. § 8.2-725 (Property Subject to Contract)</p> <p><u>Personal Injury:</u> 2 Years (Breach of Warranty) Va. St. §§ 8.01-243, 8.01-246</p>	<p><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.</p> <p><u>Products:</u> None.</p>

STATE	PERSONAL PROPERTY	PERSONAL INJURY	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
WASHINGTON	<p><u>Intentional Acts:</u> 2 Years R.C.W.A. § 4.16.100</p> <p><u>Negligence Claim:</u> 3 Years R.C.W.A. § 4.16.080</p>	<p><u>Intentional Acts:</u> 2 Years R.C.W.A. § 4.16.100</p> <p><u>Negligence Claims:</u> 3 Years R.C.W.A. § 4.16.080</p> <p><u>Med Malpractice:</u> Later of 3 years from date of act or 1 year from discovery of injury. R.C.W.A. § 4.16.350</p>	<p>Action deemed commenced when complaint is filed, or summons is served. Service must be had within 90 days from the date complaint filed. If action commenced by service, plaintiff must file the summons and complaint within 90 days from the date of service. Otherwise, action will not be deemed commenced for purposes of SOL. R.C.W.A. § 4.16.170.</p>	<p>3 Years (Product Liability) R.C.W.A. § 7.72.060(3)</p> <p>U.C.C. (4 Years) (Breach of Warranty) R.C.W.A. § 62A.2-725</p>	<p><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.</p> <p><u>Products:</u> After 12 years, rebuttable presumption that useful safe life has expired.</p>
WEST VIRGINIA	<p>2 Years W. Va. Code § 55-2-12</p>	<p>2 Years W. Va. Code § 55-2-12</p>	<p>Service must be done within 120 days after filing complaint. Court can extend the time. Rule 4. Summons, W.V. R. Civ. Proc. 4(k).</p>	<p>2 Years (Product Liability) W. Va. Code § 55-2-12</p> <p>U.C.C. (4 Years) (Breach of Warranty) W. Va. Code § 46-2-725(1)</p>	<p><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.</p> <p><u>Products:</u> None.</p>

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WISCONSIN	<p>6 Years (Non-Auto) Wis. Stat. § 893.52(1)</p> <p>3 Years (Auto) Wis. Stat. § 893.52(2).</p> <p>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).</p>	<p><u>Non-Auto Bodily Injury:</u> 3 Years (auto and non-auto) Wis. Stat. § 893.54(1m)</p> <p><u>Assault/Battery/ Libel/Slander/Intentional Act:</u> 3 Years, Wis. Stat. § 893.54.</p> <p><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).</p> <p><u>Death Arising from Accident Involving Motor Vehicle occurring prior to 2/6/16:</u> 3 Years from date of <i>accident</i>.</p>	<p>A civil action in which a personal judgment is sought is commenced as to any defendant when a summons and complaint naming the person as defendant are filed with the court, provided service of an authenticated copy of the summons and of the complaint is made upon the defendant under this chapter within 90 days after filing. Wis. Stat. § 801.02(1); <i>Ness v. Digital Dial Comm'ns, Inc.</i>, 596 N.W.2d 365 (Wis. 1999).</p>	<p><u>Personal Injury:</u> 3 Years (Product Liability) Wis. Stat. § 893.54</p> <p><u>Wrongful Death Arising from Accident Involving Motor Vehicle</u> and loss occurs after 2/6/16: 2 Years (Product Liability), Wis. Stat. § 893.54(2m)</p> <p><u>Property Damage:</u> 6 Years (Product Liability) Wis. Stat. § 893.52</p> <p>6 Years (Breach of Warranty) <i>Selzer v. Brunzell Bros.</i>, 652 N.W.2d 806 (Wis. App. 2002).</p>	<p><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.</p> <p><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.</p>

STATE	PERSONAL PROPERTY	PERSONAL INJURY	SERVICE OF PROCESS REQUIREMENT	STRICT PRODUCT LIABILITY / BREACH OF WARRANTY	STATUTE OF REPOSE
WYOMING	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>Med Malpractice:</u> 2 Years, unless discovery in 2 nd year, then extended by 6 months. Wyo. Stat. §§ 1-3-107(a)(I) and (a)(iv).	A civil action is commenced the day the complaint is filed, so long as a defendant is served with process within 60 days. If service is not made within 60 days, the action is deemed commenced on the date when service is made. <i>Ryel v. Anderies</i> , 4 P.3d 193 (Wyo. 2000); W.C.R.P. 3.	4 Years (Product Liability) Wyo. Stat. § 1-3-105(a)(iv)(C); <i>Ogle v. Caterpillar Tractor Co.</i> , 716 P.2d 334 (Wyo. 1986). U.C.C. (4 Years) (Breach of Warranty) Wyo. Stat. § 34.1-2-725	<u>Construction:</u> 10 years from substantial completion of improvement to real property. Wyo. Stat. § 1-3-111. <u>Products:</u> None.

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