



Statutes of Repose: Compendium

INTRODUCTION

Unlike most products and services, architectural services are intended to outlive the consumer. Because there is no estimated shelf-life for a building, there is a need to define a period of time after which the architect can no longer be held liable for personal injury or injury to property. State legislatures typically have found that that time period should be tied to when the architect no longer has control of the property, deficiencies in the design have been or should have already been discovered, and/or any injury to persons or property is most likely to have been caused as the result of something the architect did (or failed to do).

Without legislation to protect design professionals from unlimited liability, it might be possible for an architect to be sued for an injury suffered in or around a building that was designed many years prior, even when the injury is a result of improper maintenance or other causes beyond the architect's control.

Statutes of limitation and statutes of repose are laws that bar a party from filing a claim after a specified period of time has elapsed. Generally, the difference between a statute of limitation and a statute of repose is the point from which the limitation of time is measured. Time periods under statutes of limitation typically begin at the date of injury or the time when a deficiency was (or should have been) discovered. Because the time of injury or discovery could begin well after the architect's work is completed, the limitation period in some cases could run virtually indefinitely.

Statutes of repose, on the other hand, provide an architect with protection from claims after a specific period of time has elapsed from substantial completion of a project (or some other similar fixed event).

Because these statutes are constantly under attack in the courts and legislatures, it is important to monitor legislative and legal activity closely in each state. This publication is a compilation of current versions of statutes of repose and statutes of limitation that exist for each state (and Guam), listed alphabetically. A glossary of terms is included to assist the reader.

******While every attempt has been made to ensure that the information in this publication is timely and accurate, it is not intended to be either a source of legal advice or opinion, or a definitive source of information about any particular state statute. For additional information about this publication, about statutes of limitation and repose, generally, or to report errors or updates, contact the AIA State & Local Government Relations Division at latricepleasant@aia.org ATTN: State & Local. If you have questions about how a statute of limitations or a statute of repose might be applied in a particular jurisdiction, contact an attorney or public official familiar with the laws of the state involved.******

QUICK REFERENCE (LAST UPDATED: NOVEMBER 2023)

State	Time Frame (in Years)	Statute Reference	Comments	Webpage
Alabama	7	Title 6 Chapter 5 Article 13A Section 221 Code of Ala §6-5-221		https://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm
Alaska	10	Title 9 Chapter 10 Section 055 Alaska Stat. § 09.10.055		https://www.akleg.gov/basis/Search?search=Title%209%20Chapter%2010%20Section%20055%20Alaska%20Stat.%20EF%BF%BD%2009.10.055&source=Statutes&yearStart=2021&yearEnd=2023
Arizona	8	Title 12 Chapter 5 Article 3 Section 552 A.R.S. § 12-552		https://www.azleg.gov/ars/12/00552.htm#:~:text=Notwithstanding%20any%20other%20statute%2C%20an,construction%20or%20observation%20of%20construction
Arkansas	4	Title 16 Subtitle 5 Chapter 56 Subchapter 1 Section 112 Arkansas Code 16-56-112		https://law.justia.com/codes/arkansas/2010/title-16/subtitle-5/chapter-56/subchapter-1/16-56-112
California	10	Code of Civil Procedure Part 2 Title 2 Chapter 3 Section 337.15 Cal Code Civ Proc § 337.15	<i>For latent defects</i>	https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=337.15

	4	Code of Civil Procedure Part 2 Title 2 Chapter 3 Section 337.1 Cal Code Civ Proc § 337.1	<i>For patent defects</i>	<u>Id.</u>
Colorado	6	Title 13 Article 80 Section 104 C.R.S. 13-80-104		<u>https://codes.findlaw.com/co/title-13-courts-and-court-procedure/co-rev-st-sect-13-80-104/</u>
Connecticut	7	Title 52 Chapter 926 Section 584a Conn. Gen. Stat. § 52-584a		<u>https://www.cga.ct.gov/current/pub/chap_926.htm#sec_52-584a</u>
Delaware	6	Title 10 Part V Chapter 81 Section 8127 10 Del. C. § 8127		<u>https://delcode.delaware.gov/title10/c081/</u>
District of Columbia	10	Title 12 Chapter 3 D.C. Code § 12-301		<u>https://code.dccouncil.gov/us/dc/council/code/sections/12-301</u>

Florida	10	Title 8 Chapter 95 Section 11 Fla. Stat. § 95.11		http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0095/Sections/0095.11.html
Georgia	8	Title 9 Chapter 3 Article 3 Section 51 O.C.G.A. § 9-3-51		https://law.justia.com/codes/georgia/2010/title-9/chapter-3/article-3/9-3-51
Guam	10	Title 7 Division 2 Chapter 11 Article 3 Section 11309 7 GCA § 11309	For patent defects	https://law.justia.com/codes/guam/2022/title-7/division-2/chapter-11/
	10	Title 7 Division 2 Chapter 11 Article 3 Section 11310 7 GCA § 11310	For latent defects	https://law.justia.com/codes/guam/2022/title-7/division-2/chapter-11/
Hawaii	10	Division 4 Title 36 Chapter 657 Part I Section 8 HRS § 657-8		https://www.capitol.hawaii.gov/hrscurr

				ent/vol13ch0601-0676/hrs0657/hrs_0657-.htm
Idaho	6 + Statute of Limitations	Code of Civil Procedure Title 5 Chapter 2 Section 241 Idaho Code § 5-241		https://legislature.idaho.gov/statutesrules/idstat/title5/t5ch2/sect5-241/

Illinois	4	Chapter 735 Code of Civil Procedure Article XIII Part 2 Section 13-214 735 ILCS 5/13-214	For patent defects	https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=073500050K13-214.3
	10		For latent defects	Id.
Indiana	ten (10) years after the date of substantial completion of the improvement; twelve (12) years after the completion and submission of plans and specifications to the owner if the action is for a deficiency in the design of the improvement.	Title 32 Article 30 Chapter 1 Burns Ind. Code Ann. § 32-30-1-5		https://iga.in.gov/laws/2021/ic/titles/32#32-30-1
Iowa	10 years for an action related to residential construction or 8 years for any other kind of improvement	Title XV Subtitle 3 Chapter 614 Section 1 Iowa Code § 614.1		https://www.legis.iowa.gov/docs/code/2019/614.1.pdf
Kansas – General Statute of Repose for all tort claims	10	Chapter 60 Article 5 Section 513 K.S.A. § 60-513	General Statute of Repose for all tort claims	https://www.ksrevisor.org/statutes/chapters/ch60/060_005_0013.html
Kentucky	7	KRS. 413.135		https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=17869
Louisiana	5	Louisiana Revised Statutes Title 9 Code Book III Code Title IV Chapter 3 Section 2772 La.R.S. 9:2772		https://law.justia.com/codes/louisiana/2011/rs/title9/rs9-2772
Maine	10 (architectural malpractice)	Title 14 Part 2 Chapter 205 Subchapter I Section 752-A 14 M.R.S. § 752-A		https://legislature.maine.gov/statutes/14/title14sec752-A.html

Maryland	10	Courts and Judicial Proceedings Title 5 Subtitle 1 Section 108		https://mga.leg.maryland.gov/mgawebsite/Laws/StatuteText?article=qcj&section=5-108
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Massachusetts	6	Part III Title V Chapter 260 Section 2B ALM GL ch. 260, § 2B.		https://malegislature.gov/Laws/GeneralLaws/PartIII/TitleV/Chapter260/Section2B
Michigan	6	Chapter 600 Revised Judicature Act of 1961 Chapter 58 Section 5839 MCLS § 600.5839		https://www.legislature.mi.gov/(S(nsklfvixlrnqhm2fo4t3rjfd))/mileg.aspx?page=GetObject&objectname=mcl-600-5839
Minnesota	10	Chapter 541 Section 051 Minn. Stat. § 541.051		https://www.revisor.mn.gov/statutes/cite/541.051
Mississippi	6	Title 15 Chapter 1 Section 41 Miss. Code Ann. § 15-1-41		https://law.justia.com/codes/mississippi/
Missouri	10	Title 35 Chapter 516 Section 097 § 516.097 R.S.Mo.		https://revisor.mo.gov/main/OneSection.aspx?section=516.097&id=27828&hl=
Montana	10	Title 27 Chapter 2 Part 2 Section 208 Mont. Code Anno., § 27-2-208		https://leg.mt.gov/bills/mca/title_0270/chapter_0020/part_0020/section_0080/0270-0020-0080.html
Nebraska	4	Chapter 25 Article 2 R.R.S. Neb. § 25-223	For patent defects	https://nebraskalegislature.gov/laws/statutes.php?statute=25-223
	10		For latent defects	https://nebraskalegislature.gov/laws/statutes.php?statute=25-223

Nevada	10	Title 2 Chapter 11 Section 203 NRS § 11.203.	<i>For known deficiencies</i>	https://www.leg.state.nv.us/nrs/nrs-011.html
	8	Title 2 Chapter 11 Section 204 NRS § 11.204	<i>For latent defects</i>	<i>Id.</i>
	6	Title 2 Chapter 11 Section 205 NRS § 11.205	<i>For patent defects</i>	<i>Id.</i>
New Hampshire	8	Title LII Chapter 508 Section 4-b RSA 508:4-b		http://www.gencourt.state.nh.us/rsa/html/lii/508/508-4-b.htm

New Jersey	10	Title 2A Subtitle 3 Chapter 14 Section 1.1 N.J. Stat. § 2A:14-1.1		https://law.justia.com/codes/new-jersey/2022/title-2a/section-2a-14-1-1/
New Mexico	10	Chapter 37 Article 1 Section 27 N.M. Stat. Ann. § 37-1-27		https://law.justia.com/codes/new-mexico/2011/chapter37/article1/section37-1-27
New York	NONE	NONE	NONE	
North Carolina	6	Chapter 1 Subchapter 02 Article 5 Section 1 N.C. Gen. Stat. § 1-50		https://www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_1/qs_1-50.html
North Dakota	10	Title 28 Chapter 28-01 Section 44 N.D. Cent. Code, § 28-01-44		https://www.ndlegis.gov/cencode/t28c01.pdf#nameddest=28-01-44
Oklahoma	10	Title 12 Chapter 3 Section 109 12 Okl. St. § 109		https://law.justia.com/codes/oklahoma/2022/title-12/section-12-109/
Oregon	10	Title 2 Chapter 12 Section 135 ORS § 12.135		https://oregon.public.law/statutes/ors_12.135
Pennsylvania	12	Pennsylvania Consolidated Statutes Title 42 Part VI Chapter 55 Subchapter B Section 5536 42 Pa.C.S. § 5536		https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/42/00.055..HTM
Rhode Island	10	Title 9 Chapter 1 Section 29 R.I. Gen. Laws § 9-1-29		http://webserver.rilin.state.ri.us/Statutes/title9/9-1/9-1-29.htm
South Carolina	8	Title 15 Chapter 3 Article 5 Section 640 S.C. Code Ann. § 15-3-640		https://www.scstatehouse.gov/code/t15c003.php

South Dakota	10	Title 15 Chapter 2A Section 1 15-2A-3		https://sdlegislature.gov/Statutes/15-2A-3
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Tennessee	4	Title 28 Chapter 3 Part 2 Section 202 Tenn. Code Ann. § 28-3-202		https://law.justia.com/codes/tennessee/2021/title-28/chapter-3/part-2/section-28-3-202/
Texas	10	Civil Practice and Remedies Code Title 2 Subtitle B Chapter 16 SubChapter A Section 16.008 Tex. Civ. Prac. & Rem. Code § 16.008		https://statutes.capitol.texas.gov/Docs/CP/htm/CP.16.htm
Utah	9	U.C.A. 1953 § 78B-2-225		https://le.utah.gov/xcode/TITLE78b/78b.html
Vermont	NONE	NONE	NONE	
Virginia	5	Title 8.01 Chapter 4 Article 3 Section 250 Va. Code Ann § 8.01-250		https://law.lis.virginia.gov/vacode/title8.01/chapter4/section8.01-250/
Washington	6	Title 4 Chapter 4.16 Section 310 Rev. Code Wash. (ARCW) § 4.16.310		https://apps.leg.wa.gov/rcw/default.aspx?cite=4.16.310
West Virginia	10	Chapter 55 Article 2 W. VA. Code § 55-2-6a		https://casetext.com/statute/west-virginia-code/chapter-55-actions-suits-and-arbitration-judicial-sale/article-2-limitation-of-actions-and-suits/section-55-2-6a-deficiencies-injuries-or-wrongful-death-resulting-from-any-improvements-to-or-survey-of-real-property-limitation-of-actions-and-suits

Wisconsin	10	Chapter 893 SubChapter IX Section 893.89 Wis. Stat. § 893.89		https://docs.legis.wisconsin.gov/statutes/statutes/893/ix/89
Wyoming	10	Title 1 Chapter 3 Section 111 Wyo. Stat. § 1-3-111		https://wyoleg.gov/statutes/compress/title01.pdf

GLOSSARY

(Source: Black's Law Dictionary, 5th edition)

Accrue

To arise, to happen, to come into force or existence, to vest. A cause of action accrues when a suit may be maintained thereon.

Cause of action

The fact or facts that give a person a right to judicial relief. The legal effect of an occurrence in terms of redress to a party to the occurrence. A situation or state of facts that would entitle party to sustain action and give right to seek judicial remedy.

Chattel

An article of personal property, as opposed to real property.

Contribution

A tort-feasor against whom a judgement is rendered is entitled to recover proportional shares of judgement from other joint tort-feasors whose negligence contributed to the injury and who were also liable to the plaintiff.

Damages

A pecuniary compensation or indemnity, which may be recovered in the courts by any person who has suffered loss, detriment, or injury, whether to person, property, or rights, through unlawful act or omission or negligence of another. A sum of money awarded to a person injured by the tort of another.

Discovery

The ascertainment of that which was previously unknown; the disclosure or coming to light of what was previously hidden; the acquisition of notice or knowledge of given acts or facts.

Ex contractu

From or out of contract. Breach of contract.

Ex delicto

From out of or founded upon a wrong or tort. Breach of duty growing out of contract.

Express warranty

Any affirmation of fact or promise made by the seller to the buyer which relates to the goods and becomes part of the basis of the bargain creates an express warranty that the goods shall conform to the affirmation or promise. Any description of the goods which is made part of the basis of the bargain creates an express warranty that the goods shall conform to the description. Any sample or model which is made part of the basis of the bargain creates an express warranty that the whole of the goods shall conform to the sample or model.

Hereditament

Things capable of being inherited, be it corporeal or incorporeal, real, personal, or mixed and including not only lands and everything thereon but also heirlooms, and certain furniture which, by custom, may descend to the heir together with the land.

Indemnity

A collateral contract or assurance, by which one person engages to secure another against an anticipated loss or to prevent from being damnified by the legal consequences of an act or forbearance on the part of one of the parties or

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for some third person. Term pertains to liability for loss shifted from one person held legally responsible to another.

Laches

Neglect to assert right or claim which, taken together with lapse of time and other circumstances causing prejudice to adverse party, operates as a bar in court of equity.

Latent defect

A hidden or concealed defect. One which could not be discovered by reasonable and customary inspection; one not apparent on face of goods, product, document, etc.

Liability for damages

Liability for an amount to be ascertained by trial of the facts in particular cases.

Lien

A charge or security or encumbrance upon property.

Patent defect

A defect which is plainly visible or which can be discovered by such an inspection as would be made in the exercise of ordinary care and prudence.

Prima facie

A fact presumed to be true unless disproved by some evidence to the contrary.

Statute of limitation

A statute prescribing limitations to the right of action on certain described causes of action or criminal prosecutions; that is, declaring that no suit shall be maintained on such causes of action, nor any criminal charge be made, unless brought within a specified period of time after the right accrued.

Tort

A private or civil wrong or injury, other than breach of contract, for which the court will provide remedy in the form of an action for damage. A violation of a duty imposed by general law or otherwise upon all persons occupying the transaction.

Tort-feasor

A wrong-doer; one who commits or is guilty of a tort.

Third-party

One not a party to an agreement or to a transaction but who may have rights therein.