

## Nationwide Limitation and Repose Periods

Certain exceptions may apply and the law is subject to change. Contact White and Williams LLP for additional information, 215-864-6322.

**Note: Except for Colorado, Florida, Iowa, Louisiana, Massachusetts, Mississippi, Ohio (Consumer Transactions), Oklahoma, South Carolina and Wisconsin, all jurisdictions also impose a four-year statute of limitation for contracts arising from the sale of goods under Section 2-725 of the Uniform Commercial Code.**

**For claims based on improvements to real property and/or brought by condominium associations related to construction defects, there may be separate notice/limitations periods. Check the statutes identified in our chart entitled *Right to Repair/Notice Statutes – Construction Cases*.**

### ■ ALABAMA

#### Statutes of Limitation

**Tort:** 2 years for negligence and wantonness. Ala. Code § 6-2-38; Capstone Building Corp., 96 So.3d 77 (Ala. 2012). 6 years for some intentional torts. Ala. Code § 6-2-34.

**Contract:** 6 years. Ala. Code § 6-2-34.

**Improvements to Real Property:** As to actions in tort, contract or otherwise against architects or engineers for faulty design, or against contractors relying on those designs: 2 years from date upon which the cause of action accrues. Ala. Code § 6-5-221. A cause of action for latent damage arises when the damage or injury should have been discovered. Ala. Code § 6-5-220(e); see Dickinson v. Land Developers Constr. Co., 882 So.2d 291 (Ala. 2003) (stating that the discovery rule applies to both tort and contractual actions).

**State Government:** Written notice on prescribed form to be filed with Board of Adjustment within 1 year, generally (2 years for wrongful death). Ala. Code §§ 41-9-65, 41-9-66.

**Local Government:** Municipalities: for torts, 6 months from accrual of claim; for all other claims, 2 years. Ala. Code § 11-47-23.

#### Statutes of Repose

**Products:** None; Ala. Code § 6-5-502(c), imposing a 10-year repose period, was held unconstitutional in Lankford v. Sullivan, Long & Hagerty, 416 So.2d 996 (Ala. 1982).

**Improvements to Real Property:** As to actions against architects or engineers for faulty design, or against contractors relying on those designs: 7 years from substantial completion of the improvement. Ala. Code § 6-5-221. The 7-year statute of repose does not apply where, prior to its expiration, the architect, engineer or builder had actual knowledge of the defect and failed to disclose it to the person with whom the defendant contracted to perform such services. Id. Where a cause of action accrues during the 7<sup>th</sup> year after completion, an action may be brought within 2 years after accrual even though this extends beyond the 7-year period. Ala. Code § 6-5-225(d).

### ■ ALASKA

#### Statutes of Limitation

**Tort:** Real property, 6 years. Alaska Stat. § 09.10.050. Personal property, 2 years. Alaska Stat. § 09.10.070. Personal injury, 2 years. Alaska Stat. § 09.10.070. Claims against Home Inspectors, 1 year. Alaska Stat. § 08.18.085. For claims against construction professionals for defects in the design, construction or remodeling of a dwelling, at least 90 days' written notice must be given prior to the commencement of an action. Alaska Stat. § 09.45.881. Notice must be given within one year of discovery of the defect, and the claim is also subject to the statute of repose. Alaska Stat. § 09.10.054.

**Contract:** 3 years, for express or implied contracts. Alaska Stat. § 09.10.053.

**State and Local Government:** No separate limitation statutes apply. Alaska Stat. §§ 09.50.250, 09.65.070.

#### Statutes of Repose

**Improvements to Real Property:** 10 years from the date of substantial completion of construction, or the last act alleged to have caused the damage, whichever is earlier. Exceptions apply, including in cases of hazardous waste, intentional acts, gross negligence, fraud, misrepresentation, breach of express warranty, defective product, breach of trust or fiduciary duty, intentional concealment and contractual waiver. Alaska Stat. § 09.10.055.

### ■ ARIZONA

#### Statutes of Limitation

**Tort:** 2 years, for injuries to persons and property. Ariz. Rev. Stat. § 12-542. For purchaser dwelling actions, the statute of limitations and repose may be tolled for limited time periods. See Ariz. Rev. Stat. § 12-1363(F) and (G).

**Contract:** Oral, 3 years. Ariz. Rev. Stat. § 12-543. Written, 6 years. Ariz. Rev. Stat. § 12-548. For purchaser dwelling actions, the statute of limitations and repose may be tolled for limited time periods. See Ariz. Rev. Stat. § 12-1363(F) and (G).

**State and Local Government:** 1 year. Ariz. Rev. Stat. § 12-821. Notice must be filed within 180 days of when the damaged party realizes he or she has been damaged and knows or reasonably should know the cause, source, act, event, instrumentality or condition which caused or contributed to the damage. Ariz. Rev. Stat. § 12-821.01.

#### Statutes of Repose

**Products:** The 12-year limitation set forth in Ariz. Rev. Stat. § 12-551 was held unconstitutional in Hazine v. Montgomery Elevator Co., 861 P.2d 625 (Ariz. 1993).

**Improvements to Real Property:** 8 years after substantial completion, with respect to a person who develops or develops and sells real property, or performs or furnishes the design, specifications, surveying, planning, supervision, testing, construction or observation of construction of an improvement to real property. If the injury occurs or is discovered during the 8th year, an action may be brought within one year of the injury/discovery, as long as the action is not filed more than 9 years from substantial completion. Ariz. Rev. Stat. § 12-552. For purchaser dwelling actions, the statute of limitations and repose may be tolled for limited time periods. See Ariz. Rev. Stat. § 12-1363(F) and (G). The statute does not bar claims of negligence even if the parties were in a contractual relationship. Fry's Food Stores of Arizona, Inc. v. Mather and Associates, Inc., 900 P.2d 1225 (Ariz. Ct. App. 1995).

### ■ ARKANSAS

#### Statutes of Limitation

**Tort:** Personal injury, personal property and real property, 3 years. Ark. Code Ann. §§ 16-56-105; 16-116-203 (arising from products).

**Contract:** Oral, 3 years. Ark. Code Ann. § 16-56-105. Written, 5 years. Ark. Code Ann. § 16-56-111; Chalmers v. Toyota Motor Sales, USA, Inc., 935 S.W.2d 258 (Ark. 1996).

**Medical Malpractice:** Except as otherwise provided in Ark. Code Ann. § 16-114-203, 2 years. Ark. Code Ann. § 16-114-203(a).

**State Government:** Claims against the state may be filed with the Arkansas State Claims Commission within the statute of limitation applicable to private persons for the type of action. Ark. Code Ann. § 19-10-209.

**Local Government:** Political subdivisions are exempt from tort liability except to the extent of insurance. Ark. Code Ann. § 21-9-301. Each subdivision is authorized to provide for a hearing and settle tort claims against it; check local codes. Ark. Code Ann. § 21-9-302.

#### Statutes of Repose

**Improvements to Real Property:** For property damage in contract, 5 years from substantial completion; for personal injury in tort or contract, 4 years from substantial completion. For personal injury occurring in the fourth year after substantial completion, an action may be brought within one year after the date of injury, up to 5 years from substantial completion. Parties may not agree to toll the statute. Statute does not apply in cases of fraudulent concealment or to persons in control of the improvement at the time of the injury. Ark. Code Ann. § 16-56-112; Doolley v. Hot Springs Family YMCA, 781 S.W.2d 457 (Ark. 1989) (correcting statute as to 4th year exception). Section 16-56-112 does not apply to tort/negligence claims alleging property damage. Platinum Peaks, Inc. v. Bradford, 473 S.W.3d 70 (2015) (distinguishing Okla Homer Smith Furniture Mfg. Co. v. Larson and Wear, Inc., 646 S.W.2d 696 (Ark. 1983)), reh'g granted, 2015 Ark. App. LEXIS 767 (2015); but see Okla Homer Smith Furniture Mfg. Co. (correcting statute as to property damage actions in tort).

**Medical Malpractice:** 2 years from the date of the wrongful act. In case of a foreign object left inside the body which is not discovered and could not reasonably have been discovered within 2-year period, 1 year from the date of discovery or the date the foreign object reasonably should have been discovered, whichever is earlier. Other exceptions for minors. Ark. Code Ann. § 16-114-203. Except for foreign objects, statute not extended if malpractice could not have been discovered within 2 years. Harris v. Ozment, 117 S.W.3d 647 (Ark. Ct. App. 2003).

### ■ CALIFORNIA

#### Statutes of Limitation

**Tort:** Personal injury, 2 years. Cal. Civ. Proc. Code § 335.1. Property damage, 3 years. Cal. Civ. Proc. Code § 338; but cf. Cal. Civ. Proc. Code § 337.1(a) (patent deficiencies in improvements to real property – 4 years); Slavin v. Trout, 18 Cal. App. 4th 1536 (Cal. Ct. App. 1993) (stating that Cal. Civ. Proc. Code § 339 (related to actions not founded on an instrument of writing) and its 2-year statute commonly applies to professional negligence actions). Home Inspector's 4 years. Cal. Bus & Prof Code § 7199.

**Contract:** Oral, 2 years. Cal. Civ. Proc. Code § 339. Written, 4 years. Cal. Civ. Proc. Code § 337.

**Warranty –** For breach of implied warranty claims related to consumer goods pursuant to the Song-Beverly Consumer Warranty Act, the breach of an implied warranty must occur within one year following the sale of new goods. See Cal. Civ. Proc. Code § 1791.1(c); Tanner v. Ford Motor Co., 2019 U.S. Dist. LEXIS 204510 (N.D. Cal.); Mexia v. Rinker Boat Co., 95 Cal. Rptr. 3d 285 (Cal. Ct. App. 2009). However, the four-year statute of limitations in California Commercial Code § 2725 still applies. Tanner. The Song-Beverly Act prevails over conflicting provisions of the UCC. Cal. Civ. Proc. Code § 1790.3; Mexia.

**Medical Malpractice:** 3 years from injury or 1 year from discovery, whichever occurs first. Cal. Code Civ. Proc. § 340.5.

**State and Local Government:** Claims for personal injury, death or damage to personal property to be filed with a state or local public entity within six months after accrual of the cause of action. Cal. Gov't Code § 911.2. Written application for leave to file a late claim may be considered up to 1 year from accrual of the cause of action. Cal. Gov't Code § 911.4. Claims for other causes of action to be filed within 1 year after accrual of the cause of action. Cal. Gov't Code § 911.2. The public entity is to issue notice of decision within 45 days. If the public entity does not issue notice within 45 days, rejection is presumed. Cal. Gov't Code § 912.4. If the public entity gives notice, action must be filed within 6 months of the notice. If the public entity does not give notice, action must be filed within 2 years of accrual of the cause of action. Cal. Gov't Code § 945.6.

#### Statutes of Repose

**Improvements to Real Property:** 10 years from substantial completion. Statute does not apply in case of fraudulent concealment or to persons in control of the improvement at the time of the injury. Cal. Civ. Proc. Code § 337.15 (latent deficiencies). 4 years for any patent deficiency. Id.; Cal. Civ. Proc. Code § 337.1.

### ■ COLORADO

#### Statutes of Limitation

**Tort:** 2 years, including strict liability and failure to instruct or warn. Colo. Rev. Stat. § 13-80-102. 4 years for vehicular homicide with leaving accident scene. Id. Products, 2 years. Colo. Rev. Stat. § 13-80-106. Arising from motor vehicle generally, 3 years. Colo. Rev. Stat. § 13-80-101. Fraud, misrepresentation, concealment or deceit, 3 years. Colo. Rev. Stat. § 13-80-101.

**Contract:** 3 years. Colo. Rev. Stat. § 13-80-101. No separate statute for sale of goods. Colo. Rev. Stat. § 4-2-725.

**Medical Malpractice:** 2 years from date injury and cause are known or should be known. Colo. Rev. Stat. § 13-80-102.5.

**Other State:** If the cause of action arises in another state and is barred by other state's statute of limitation, the cause of action is barred in Colorado also. Colo. Rev. Stat. § 13-80-110.

**State and Local Government:** Written notice must be filed with the attorney general or the local government within 182 days after the date of the discovery of the injury. An action may not be filed until the public entity denies the claim or 90 days from the filing of the written notice, whichever is earlier. The statute of limitation applicable to the type of action governs. Colo. Rev. Stat. § 24-10-109.

#### Statutes of Repose

**Products:** Against manufacturers, sellers or lessors of new manufacturing equipment, 7 years from date when the product was first put to use. Colo. Rev. Stat. § 13-80-107.

## COLORADO (continued)

**Improvements to Real Property:** 6 years after substantial completion. If the cause of action arises during the 5th or 6th year after substantial completion of the improvement to real property, the action shall be brought within 2 years after the date upon which said cause of action arises. Statute does not apply to persons in control of the improvement at the time of the injury. Colo. Rev. Stat. § 13-80-104.

**Medical Malpractice:** 3 years from the act or omission. Colo. Rev. Stat. § 13-80-102.5.

## ■ CONNECTICUT

### Statutes of Limitation

**Products:** 3 years after injury is first sustained, discovered or should have been discovered. Conn. Gen. Stat. § 52-577a; Conn. Gen. Stat. § 52-572m; Conn. Gen. Stat. § 52-572n(a); but see Conn. Gen. Stat. § 42a-2-725 (UCC claims).

**Tort:** Negligence, misconduct or malpractice: 2 years from the date when the injury is first sustained or discovered or should have been discovered. Conn. Gen. Stat. § 52-584. See also, Tort Statute of Repose noted below. CUTPA action: 3 years. Conn. Gen. Stat. § 42-110g(f). Common Interest Ownership Act – breach of warranty claims under §§ 47-274 or 47-275, 3 years. Conn. Gen. Stat. § 47-277(a).

**Improvements to Real Property:** Claims against architects and engineers are subject to a 7-year limitation period, beginning to run upon substantial completion of the improvement. Grigerik v. Sharpe, 721 A.2d 526 (Conn. 1998) (citing Conn. Gen. Stat. § 52-584a); Plato Assocs., LLC v. Envtl. Compliance Servs., 9 A.3d 698, 702 n.11 (Conn. 2010).

**Contract:** Oral and written, if one party has fully performed its obligations (i.e., executed contracts): 6 years. Conn. Gen. Stat. § 52-576. Oral and written, if neither party has fully performed its obligations (i.e., executory contracts): 3 years. Conn. Gen. Stat. § 52-581. Tierney v. American Urban Corp., 365 A.2d 1153 (Conn. 1976); John H. Kolb & Sons, Inc. v. G and L Excavating, Inc., 821 A.2d 774 (Conn. App. Ct. 2003).

**State Government:** 1 year from when the injury is sustained or discovered or should have been discovered. Conn. Gen. Stat. § 4-148.

**Local Government:** Municipalities: 2 years after the cause of action arose, provided that within 6 months after the cause of action arose, written notice of the incident and of the intent to commence an action was filed with the clerk of the municipality. Conn. Gen. Stat. § 7-101a.

### Statutes of Repose

**Products:** Generally: 10 years after the product left the defendant's possession/control. In cases not involving worker's compensation, the 10-year period does not apply, provided that the claimant can establish that the harm occurred during the useful safe life of the product. The 10-year period is extended to the period of an express written warranty, if longer than 10 years. In cases of asbestos: 80 years from plaintiff's last exposure for personal injury; 30 years for property damage. Conn. Gen. Stat. § 52-577a.

**Tort:** Negligence, misconduct or malpractice: 3 years from the date of the act or omission complained of. Conn. Gen. Stat. § 52-584. Other torts: 3 years from the date of the act or omission complained of. Conn. Gen. Stat. § 52-577.

**Improvements to Real Property:** Actions against architects, professional engineers and land surveyors limited to 7 years after substantial completion. Actions for injuries occurring within the seventh year may be brought within eight years of substantial completion. Conn. Gen. Stat. § 52-584a.

**Actions Brought by a State or Political Subdivision Arising Out of Construction-Related Work:** Subject to the exceptions stated in Conn. Gen. Stat. § 52-584c(e), for improvements substantially completed on or after October 1, 2017, no action shall be brought by the state or any political subdivision more than 10 years after the date of substantial completion. Conn. Gen. Stat. § 52-584c. For improvements completed prior to October 1, 2017, no action shall be brought after October 7, 2027.

**State Government:** 3 years from the act or event complained of. Conn. Gen. Stat. § 4-148.

## ■ DELAWARE

### Statutes of Limitation

**Tort:** Personal Injury: 2 years. Del. Code Ann. tit. 10, § 8119. Wrongful death or injury to personal property: 2 years. Del. Code Ann. tit. 10, § 8107. Other actions for trespass: 3 years. Del. Code Ann. tit. 10, § 8106.

**Contract:** 3 years, or for contracts of at least \$100,000, the period specified by the contract, not to exceed 20 years. Del. Code Ann. tit. 10, § 8106.

**Local or State Government:** No separate statutes of limitation. However, plaintiff must give written notice of action against the City of Wilmington within 1 year of injury. Del. Code Ann. tit. 10, § 8124. Other political subdivisions may impose similar requirements. Del. Code Ann. tit. 10, § 4013.

### Statutes of Repose

**Improvements to Real Property:** 6 years from substantial completion of non-residential property. Del. Code Ann. tit. 10, § 8127.

## ■ DISTRICT OF COLUMBIA

### Statutes of Limitation

**Tort:** Real or personal property; personal injury: 3 years. D.C. Code § 12-301.

**Contract:** 3 years. D.C. Code § 12-301.

**Government:** Written notice of the injury or damage must be given to the Mayor's office within 6 months of the incident. D.C. Code § 12-309. Written notice of a claim for money damages must also be presented to the District, and the District must be permitted six months to act on the claim before suit can be filed. D.C. Code § 2-413. Thus, at the latest, written notice of the claim must be sent six months before the end of the three-year limitation period; i.e., 2 ½ years after the injury.

### Statutes of Repose

**Improvements to Real Property:** 10 years from the date of substantial completion. D.C. Code § 12-310.

## ■ FLORIDA

### Statutes of Limitation

**Tort:** Negligence. 2 years. Fla. Stat. § 95.11(4)(a) (actions accruing after Mar. 24, 2023; 4 years for actions accruing before – see HB 837). Products not permanently incorporated into an improvement: 4 years. Fla. Stat. § 95.11(3)(d); see Fla. Stat. § 95.11(3)(g) (3 years for actions for taking, detaining or injuring personal property). Improvements to real property: 4 years from the date of the issuance of a temporary certificate of occupancy, or a certificate of completion or the abandonment of the work, whichever is earliest. Fla. Stat. § 95.11(3)(c). Professional malpractice and wrongful death: 2 years from the date of the incident or the date incident is discovered or should have been discovered. Fla. Stat. § 95.11; but cf. Am. Auto. Ins. V. FDH Infrastructure

Servs., LLC, 364 So. 3d 1082 (Fla. Dist. Ct. App. 2023) (construction-based malpractice actions governed by 4-year statute of limitations).

**Contract:** Written: 5 years. Fla. Stat. § 95.11. Oral: 4 years. Id. Property insurance contract: 5 years. Id. No separate statute for the sale of goods.

**Medical Malpractice:** 2 years. Fla. Stat. § 95.11(4)(c).

**State and Local Government:** Written notice of claim must be filed within three years of the date of the incident. Suit may be filed within 4 years of the date of the incident only after written notice of the claim has been filed and the government agency has denied the claim. If a joint tortfeasor seeks contribution: within 6 months of judgment or settlement. The government's liability is limited to \$200,000 per person or \$300,000 per incident. Recovery of judgments in excess of those amounts may be pursued with the state legislature. Fla. Stat. § 768.28. Excess claims must be presented to the legislature within 4 years of the date the cause for relief accrued. Fla. Stat. § 11.065.

### Statutes of Repose

**Products:** 12 years after the delivery of the product to the first purchaser, if the product has an expected useful life of 10 years or less. All products are presumed to have an expected useful life of 10 years or less, with certain exceptions: aircraft, locomotives, escalators, elevators, and products specifically warranted to have an expected useful life exceeding 10 years. Fla. Stat. § 95.031.

**Improvements to Real Property:** 7 years after the date of the issuance of a temporary certificate of occupancy, a certificate of completion or the abandonment, whichever is earliest. Irrespective of the 7-year limit, a party defending a claim related to improvements to real property may file a counter-, cross- or third-party claim up to 1 year from service of the original complaint. For a newly constructed single-dwelling residential building used as a model home, 1 year from when the deed is recorded. If there are multiple buildings, each building must be considered its own improvement. If the authority having jurisdiction deemed the structure complete, correcting defects or doing repair work does not extend the period of time to commence an action. Fla. Stat. § 95.11.

## ■ GEORGIA

### Statutes of Limitation

**Tort:** To real property: 4 years. Ga. Code § 9-3-30; see Statute of Repose – Improvements, below, re: accrual. To personal property: 4 years. Ga. Code § 9-3-31. Personal injury: 2 years (damage to reputation, 1 year; loss of consortium, 4 years). Ga. Code § 9-3-33.

**Contract:** Written: 6 years. Ga. Code § 9-3-24. Oral: 4 years. Ga. Code § 9-3-25. All other contracts, express or implied: 4 years. Ga. Code § 9-3-26.

**State Government:** 2 years, Ga. Code § 50-21-27, with written notice of claim to be filed within 1 year. Ga. Code § 50-21-26.

**County Government:** Written notice must be provided to the county within 1 year. Ga. Code § 36-11-1. Filing of suit against the county satisfies the written notice requirement. Taylor v. Richmond County, 196 S.E. 303 (Ga. Ct. App. 1938).

**Municipal Corporations:** Written notice of claim to be filed within 6 months of the date of the incident; the municipality then has 30 days in which to consider the claim, during which time suit may not be filed. The statute of limitation is tolled during the 30-day period. Ga. Code § 36-33-5. Filing of suit against a municipal corporation does NOT satisfy the notice requirement. Atlanta Taxicab Co. Owners Ass'n, Inc. v. City of Atlanta, 638 S.E.2d 307 (Ga. 2006).

### Statutes of Repose

**Products:** 10 years from the date of the first sale, except for failure to warn of known dangers. Ga. Code § 51-1-11; see Campbell v. Altec Indus., 707 S.E.2d 48 (Ga. 2011) (component parts – the statute of repose begins to run when a finished product is sold as new to the intended consumer who is to receive the product).

**Improvements to Real Property:** 8 years after substantial completion; within 2 years if claim arises in 7th or 8th year. Ga. Code § 9-3-51; but see Ga. Code § 9-3-51(c) (not applicable to breach of contract actions, including actions for breach of express contractual warranties). However, when there is 1) damage to real property with 2) privity between building owner and defendant, the 4-year statute of limitation is effectively the statute of repose as well, because the statute of limitation begins to run at the time of substantial completion, irrespective of date of damage. Colormatch Exteriors, Inc. v. Hickey, 569 S.E.2d 495 (Ga. 2002); Stamschror v. Allstate Ins. Co., 600 S.E.2d 751 (Ga. App. 2004); but cf. Ga. Code § 9-3-36 (claims brought against a decedent's estate – 6 years).

## ■ HAWAII

### Statutes of Limitation

**Tort:** To persons and property, 2 years. Haw. Rev. Stat. §§ 657-7; 657-8 (improvements to real estate).

**Contract:** 6 years. Haw. Rev. Stat. § 657-1. 4 years, if the cause of action arose in another jurisdiction. Haw. Rev. Stat. § 657-6.

**Improvements to Real Property:** 2 years after the cause of action has accrued. Haw. Rev. Stat. § 657-8.

**Medical Malpractice:** 2 years from discovery. Haw. Rev. Stat. § 657-7.3.

**Other State:** If the cause of action arises in another state and is barred by the other state's statute of limitation, the cause of action is barred in Hawaii also, except in favor of a Hawaii resident who has held the cause of action from the time it accrued. Haw. Rev. Stat. § 657-9.

**State Government:** 2 years generally. Haw. Rev. Stat. §§ 661-5, 662-4. 6 years for medical torts. Haw. Rev. Stat. § 662-4.

**Local Government:** Counties must be given written notice of claims within 2 years after injuries accrued. Haw. Rev. Stat. § 46-72. Political subdivisions other than counties are not subject to governmental immunity. Kahale v. City and County of Honolulu, 90 P.3d 233 (Haw. 2004).

### Statutes of Repose

**Improvements to Real Property:** 10 years after substantial completion. The statute does not apply to actions for damages against owners or other persons having an interest in the real property or improvement based on their negligent conduct in the repair or maintenance of the improvement or to actions for damages against surveyors for their own errors in boundary surveys. Haw. Rev. Stat. § 657-8.

**Medical Malpractice:** 6 years from act or omission. Haw. Rev. Stat. § 657-7.3.

## ■ IDAHO

### Statutes of Limitation

**Tort:** Personal injury, including breach of implied warranty or implied covenant, 2 years. Idaho Code § 5-219. Professional malpractice, 2 years. Idaho Code § 5-219(4) (see 5-219(4), re: accrual and an SOR). Property damage: personal property and trespass to real property, 3 years. Idaho Code § 5-218; see Idaho Code § 5-241 (improvements to real property). Consequential damage to real property, 4 years. Idaho Code § 5-224; Woodland v. Lyon, 298 P.2d 380 (Idaho 1956).

## IDAHO (continued)

**Contract:** Written, 5 years. Idaho Code § 5-216; see Idaho Code § 5-241 (improvements to real property); but see Idaho Code § 28-2-725 (4 years for UCC sale of goods claims). Oral, 4 years. Idaho Code § 5-217.

**Professional Malpractice:** 2 years from occurrence. Idaho Code § 5-219; City of McCall v. Buxton, 201 P.3d 629 (Idaho 2009).

**Other State:** If cause of action arises in another state and is barred by the other state's statute of limitation, the cause of action is barred in Idaho also, except in favor of an Idaho resident who has held the cause of action from the time it accrued. Idaho Code § 5-239.

**State and Local Government:** All claims shall be filed within 180 days from the date the claim arose or reasonably should have been discovered, whichever is later. Idaho Code §§ 6-905, 6-906. Within 90 days after the filing of the claim, the governmental entity shall notify the claimant in writing of its approval or denial. If the entity fails to respond, the claim is deemed denied. Idaho Code § 6-909. If the claim is denied, an action may be filed. Idaho Code § 6-910. An action must be commenced within 2 years after the date the claim arose or reasonably should have been discovered, whichever is later. Idaho Code § 6-911. 2-year limitation against a sheriff, coroner or constable. Idaho Code § 5-219.

### Statutes of Repose

**Products:** For products that cause harm up to 10 years after the time of delivery. A product seller shall not be subject to liability if it proves by a preponderance of evidence that the harm was caused after the product's useful safe life had expired. For products which cause harm more than 10 years after time of delivery, a presumption arises that the harm was caused after the useful safe life had expired, rebuttable with clear and convincing evidence. The statute of repose does not apply if the seller expressly warranted that the product could be used safely for more than 10 years or if the seller misrepresented facts about the product, which was a substantial cause of the harm. Idaho Code § 6-1403.

**Improvements to Real Property:** Tort actions: If not previously accrued, the statute of limitations accrues 6 years after the final completion of construction; see Idaho Code § 5-241. Contract actions: accrues and the applicable limitation statute begins to run at the time of final completion of construction. But see Twin Falls Clinic & Hosp. Bldg. Corp v. Hamill, 644 P.2d 341 (Idaho 1982) (contract actions must be brought within 5 years from date of completion of construction, malpractice actions must be brought within two years of discovery, and in no event later than 8 years following the completion of construction). Statute does not apply to persons in actual possession or control of the improvement at the time of injury. Idaho Code § 5-241.

## ■ ILLINOIS

### Statutes of Limitation

**Tort:** Property: 5 years. 735 Ill. Comp. Stat. 5/13-205. Improvements to Real Property: 4 years. 735 Ill. Comp. Stat. 5/13-214(a). Personal Injury: 2 years. 735 Ill. Comp. Stat. 5/13-202. Claims against Public Accountants: 2 years, unless the plaintiff is under 18. 735 Ill. Comp. Stat. 5/13-214.2

**Contract:** Written: 10 years from when the cause of action accrued. 735 Ill. Comp. Stat. 5/13-206. Oral: 5 years. 735 Ill. Comp. Stat. 5/13-205. Improvements to Real Property: 4 years. 735 Ill. Comp. Stat. 5/13-214(a).

**Medical Malpractice:** 2 years, but time may vary. See 735 Ill. Comp. Stat. 5/13-212.

**State Government:** Contract, 5 years; tort, 2 years. 705 Ill. Comp. Stat. 505/22. Notice of personal injury claims must be filed within 1 year. 705 Ill. Comp. Stat. 505/22-1. \$2,000,000 limit on damages for non-vehicular torts. 705 Ill. Comp. Stat. 505/8.

**Local Government:** Against municipalities, townships and counties: Generally: 1 year from the date of injury or from when the cause of action accrued. Arising out of patient care: 2 years from discovery of harm, not to exceed 4 years from act or omission which caused harm. 745 Ill. Comp. Stat. 10/8-101.

### Statutes of Repose

**Products:** For product actions based on strict liability in tort: 12 years from sale/lease/delivery by the initial seller or 10 years from sale/lease/delivery to the initial user, whichever is first. 735 Ill. Comp. Stat. 5/13-213. The statute of repose does not apply to product actions based on other theories of liability. Best v. Taylor Mach. Works, 689 N.E.2d 1057 (Ill. 1997).

**Improvements to Real Property:** 10 years, but any person discovering an actionable act or omission within the 10-year period shall in no event have less than 4 years to bring an action. 735 Ill. Comp. Stat. 5/13-214. If the plaintiff is under 18 or has a developmental disability or mental illness, the limitations period accrues when the person attains 18 years of age or the disability is removed. Id. Claims based on express warranties for a longer period can be brought within that period. Id. The repose period does not apply to personal injury, asbestos claims or actions arising out of fraudulent misrepresentation or concealment. Id.

**Claims Against Public Accountants:** 5 years. 735 Ill. Comp. Stat. 5/13-214.2.

**Medical Malpractice:** Generally, 8 years. See 735 Ill. Comp. Stat. 5/13-212.

## ■ INDIANA

### Statutes of Limitation

**Tort:** Personal injury/personal property: 2 years. Ind. Code § 34-11-2-4. Real property: 6 years. Ind. Code § 34-11-2-7.

**Contract:** Written: 10 years. Ind. Code § 34-11-2-11. Oral: 6 years. Ind. Code § 34-11-2-7.

**State Government:** Written notice to the attorney general or to the agency involved must be filed within 270 days. Ind. Code § 34-13-3-6. Within 90 days after filing of written notice, agency will consider whether to approve or deny the claim. If the claim is not approved within 90 days, it is deemed denied. Ind. Code § 34-13-3-11. Suit may be filed only after the claim has been denied. Ind. Code § 34-13-3-13.

**Local Government:** Political subdivisions: Written notice to the subdivision and to the Ind. Political Subdivision Risk Management Commission within 180 days after loss occurs. Ind. Code § 34-13-3-8. Other procedures are identical to those for state government.

### Statutes of Repose

**Products:** 10 years of delivery to initial user. If cause of action accrues between 8 and 10 years of delivery, action may be commenced within 2 years of accrual. Ind. Code § 34-20-3-1.

**Improvements to Real Property:** 10 years from substantial completion or 12 years from submission of plans to owner, whichever is earlier. Ind. Code § 32-30-1-5. An action for personal injury or death occurring during the 9th or 10th year after substantial completion of the work must be brought within 2 years of the date of injury, not to exceed 12 years after the substantial completion of the improvement or 14 years after submission of plans to the owner, whichever is earlier. Ind. Code § 32-30-1-6.

## ■ IOWA

### Statutes of Limitation

**Tort:** Personal injury, 2 years. Iowa Code § 614.1. Property damage, 5 years. Iowa Code § 614.1.

**Contract:** Oral, 5 years; written, 10 years. Iowa Code § 614.1. No separate statute for the sale of goods. Iowa Code § 554.2725.

**Medical Malpractice:** 2 years from discovery or from when the claimant should have known of the injury. Iowa Code § 614.1.

**State Government:** Written notice must be filed with the Director of the Department of Management within 2 years after the claim has accrued. Iowa Code § 669.13. Suit may not be filed until after the Attorney General has made final disposition of the claim. If, however, after 6 months the Attorney General has not made final disposition, the claimant may withdraw the claim in writing and file an action. Iowa Code § 669.5. Time to file suit is extended by 6 months after notice of final disposition or withdrawal. Iowa Code § 669.13.

**Local Government:** 2 years. Iowa Code § 670.5.

### Statutes of Repose

**Products:** 15 years from date on which the product was purchased, leased or installed, for causes of action in strict liability, negligence or breach of implied warranty, unless expressly warranted for a longer period of time. The statute does not affect causes of action for contribution or indemnity, claims for intentional misrepresentation or fraudulent concealment, or claims arising from certain toxic substances including asbestos. Iowa Code § 614.1.

**Improvements to Real Property:** 10 years after the injury-causing act or omission for residential properties and 8 years for all other properties, for causes of action in tort, implied warranty and for contribution and indemnity. If discovered within one year of the expiration of the statute of repose, there is a one year extension. The statute does not bar an action against a person solely in the person's capacity as an owner, occupant, or operator of an improvement to real property. Iowa Code § 614.1.

**Medical Malpractice:** 6 years from the act or omission. Iowa Code § 614.1.

## ■ KANSAS

### Statutes of Limitation

**Tort:** Personal injury, medical malpractice and property damage, 2 years. Kan. Stat. Ann. § 60-513; see also Statute of Repose, below.

**Contract:** Oral, 3 years. Kan. Stat. Ann. § 60-512. Written, 5 years. Kan. Stat. Ann. § 60-511.

**Other State:** If the cause of action arises in another state and is barred by the other state's statute of limitation, the cause of action is barred in Kansas also, except in favor of a Kansas resident who has held the cause of action from the time it accrued. Kan. Stat. Ann. § 60-516.

**State Government:** The applicable statute of limitation is the statute that would apply if a private person would be liable under the same circumstances. Kan. Stat. Ann. § 75-6103; Gehring v. State, 886 P.2d 370 (Kan. 1995).

**Local Government:** Written notice of claim must be filed with the municipality. Action may not be commenced until after the claimant has received notice from the municipality that it has denied the claim or until after 120 days has passed following the filing of the notice of claim, whichever occurs first. A claim is deemed denied if the municipality fails to approve the claim in its entirety within 120 days unless the interested parties have reached a settlement before the expiration of that period. The applicable statute of limitation is extended 90 days from the date the claim is denied or deemed denied. Kan. Stat. Ann. § 12-105b. The applicable statute of limitation is the statute that would apply if a private person would be liable under the same circumstances. Kan. Stat. Ann. § 75-6103; Gehring v. State, 886 P.2d 370 (Kan. 1995).

### Statutes of Repose

**Products:** After 10 years from time of delivery, rebuttable presumption arises that product exceeded its useful safe life, barring cause of action, unless expressly warranted for longer period. Presumption may only be rebutted by clear and convincing evidence. Statute does not affect causes of action for contribution or indemnity, claims for intentional misrepresentation or fraudulent concealment, or claims arising from certain toxic substances including asbestos. Kan. Stat. Ann. § 60-3303.

**Generally:** Most tort causes of action for damage to persons or property are barred more than 10 years beyond the time of the act giving rise to the cause of action. Kan. Stat. Ann. § 60-513.

## ■ KENTUCKY

### Statutes of Limitation

**Tort:** Personal injury: 1 year. Ky. Rev. Stat. Ann. § 413.140; but cf. Ky. Rev. Stat. Ann. § 304.39-230 (motor vehicle accidents). Real property: 5 years. Ky. Rev. Stat. Ann. § 413.120. Personal property: 2 years. § 413.125. Building code violations: 1 year from when the damage is discovered or could have been discovered. Ky. Rev. Stat. Ann. § 198B.130.

**Contract:** Written: 15 years § 413.090, unless executed after 7/15/2014, then 10 years. Ky. Rev. Stat. Ann. § 413.160. Oral: 5 years. Ky. Rev. Stat. Ann. § 413.120.

**State Government:** Any claims against the Commonwealth must be filed with the Kentucky Claims Commission within 1 year from the time the claim for relief accrued, subject to the following deadlines: Property damage: 1 year from the time of the negligent act. Personal injury, including medical malpractice: 1 year from the time the injury is first discovered or should have been discovered. Ky. Rev. Stat. Ann. § 49.120.

### Statutes of Repose

**Products:** No statute of repose *per se*. However, in products liability actions filed more than 5 years after the date of sale to the first consumer, or more than 8 years after the date of manufacture, there is a rebuttable presumption that the product was not defective. Ky. Rev. Stat. Ann. § 411.310.

**Improvements to Real Property:** Statute of repose, Ky. Rev. Stat. Ann. § 413.135, held unconstitutional. Perkins v. Northeastern Log Homes, 808 S.W.2d 809 (Ky. 1991); Bray v. KMR Construction Co., 2004 WL 758392 (Ky. App. 2004). For building code violations: 10 years from the earlier of the: 1) first occupation; or 2) settlement date. Ky. Rev. Stat. Ann. § 198B.130.

**Medical Malpractice:** 5 years from the negligent act or omission. Ky. Rev. Stat. Ann. § 413.140.

**State Government:** Personal injury: 2 years from the negligent act or omission. Medical malpractice against the state: 3 years from the negligent act or omission. Ky. Rev. Stat. Ann. § 49.120.

## ■ LOUISIANA

### Statutes of Limitation (Prescription)

**Tort:** 1 year. La. Civ. Code Ann. art. 3492.

## LOUISIANA (continued)

**Contract:** 10 years. La. Civ. Code Ann. art. 3499; Babkow v. Morris Bart, P.L.C., 726 So.2d 423 (La. Ct. App. 1998); but see La. Civ. Code Ann. art. 2762 (if a building, which an architect or workman has undertaken to make by the job, falls to ruin because of bad workmanship, he shall bear the loss if the building falls to ruin within 10 years for stone or brick buildings and 5 years if wood or frames filled with bricks); Orleans Parish Sch. Bd. v. Pittman Constr. Co., 260 So.2d 661 (La. 1972) (stating that Art. 2762 states an implied warranty claim); August v. Grand Lake Constr., 837 So.2d 78 (La. Ct. App. 2002) (the time when a cause of action may be asserted is governed by the prescriptive articles). For sale of goods: if seller did not know of defect, 4 years from delivery or 1 year of discovery of defect, whichever occurs first. If seller did not know of defect in residential or commercial immovable property, 1 year from delivery. If seller knew of defect, 1 year from buyer's discovery. La. Civ. Code Ann. art. 2534. For breach of warranty against contractor or architect for defective construction: 10 years from discovery. La. Civ. Code Ann. art. 3500; Orleans Parish Sch. Bd.

**State Government:** 10 years. La. R.S. § 49:112.

**Local Government:** Limitation which generally governs the type of action applies. See, e.g., Morris v. Westside Transit Line, 841 So.2d 920 (La. Ct. App. 2003) (applying 1-year limitation to tort action against parish).

### Statutes of Repose (Peremption)

**Improvements to Real Property:** For the planning, construction, design, or building of immovable or movable property or the construction of immovables, or improvement to immovable property: 5 years from registry of mortgage, acceptance of work or occupation by owner. La. R.S. § 9:2772; but see La. R.S. § 9:2772(a)(1)(c) (90 days from service of main demand for contribution, indemnity or third-party claims). If the injury occurs during the fifth year, an action may be brought within 1 year after the date of injury, but in no event more than 6 years. Id.

**Actions against Engineers, Architects and Other Professionals:** No action, whether based upon tort, breach of contract or otherwise out of an engagement to provide movable or immovable planning, construction, design or building, shall be brought unless filed within 5 years from the registry in the mortgage office of acceptance of work by owner, the date owner occupied or took possession of the improvement, the date the person furnishing the services completed its services, if the person did not render services preparatory to construction or the person furnished preparatory services but did not perform any inspection of the work. La. R.S. § 9:5607. The provisions of § 9:5607 supersede La. R.S. § 9:227, La. Civ. Code Ann. art. 2762 and 3545. La. R.S. § 9:5607.

## ■ MAINE

### Statutes of Limitation

**Tort:** For personal injury or property damage: 6 years. Me. Rev. Stat. tit. 14, § 752. (Some intentional torts: 2 years. Me. Rev. Stat. tit. 14, § 753.)

**Contract:** 6 years after cause of action accrues, except if arising from the sale of goods. Me. Rev. Stat. tit. 14, § 752; Me. Rev. Stat. tit. 11, § 725.

**Medical Malpractice:** 3 years. Me. Rev. Stat. tit. 24, § 2502.

**Improvements to Real Property:** With respect to architects and engineers, 4 years after the malpractice or negligence is discovered. Me. Rev. Stat. tit. 14, § 752-A.

**State and Local Government:** 2 years. Me. Rev. Stat. tit. 14, § 8110. Written notice must be filed within 365 days of accrual of cause of action, with the state agency and the attorney general, or with the political subdivision, whichever applies. Me. Rev. Stat. tit. 14, § 8107; but see 2019 ch. 14, §§ 1. 2 (the 365 period applies to causes of action that accrue on or after Jan. 20, 2020; 185 day period applies to causes of action accruing prior to that date). Government has 120 days in which to approve or deny the claim. At the expiration of the 120-day period, if the government has not approved the claim, it is deemed denied. Me. Rev. Stat. tit. 14, § 8108. Suit may not be filed before the 120-day period expires. Springer v. Seaman, 658 F.Supp. 1502 (D. Me. 1987).

### Statutes of Repose

**Improvements to Real Property:** With respect to architects and engineers, 10 years after substantial completion of the contract or the services provided. May be modified by mutual agreement of the parties. Me. Rev. Stat. tit. 14, § 752-A.

## ■ MARYLAND

### Statutes of Limitation

**Improvements to Real Property:** 3 years. Md. Code Ann. Cts. & Jud. Proc. § 5-108(c); Statute does not apply if the defendant was in actual possession of the property when the injury occurred. Id.; § 5-108(d)(2)(i).

**Tort:** Personal injury or property damage: 3 years. Md. Code Ann. Cts. & Jud. Proc. § 5-101; but see Md. Code Ann. Cts. & Jud. Proc. § 5-108(a) (improvements to real property); Md. Code Cts. & Jud. Proc. § 5-115 (causes of action against a manufacturer or seller of a product for personal injury caused by a defective product that arise in a foreign jurisdiction).

**Contract:** 3 years. Md. Code Ann. Cts. & Jud. Proc. § 5-101.

**State Government:** Torts: Notice is to be filed with state treasurer within 1 year of injury. Suit may be filed within 3 years of injury if the claim is denied. Md. Code, State Gov't § 12-106. Contracts: Suit for breach of written contract must be filed within 1 year after the later of: (1) the date on which the claim arose; or (2) the completion of the contract that gives rise to the claim. Id.; § 12-202.

**Local Government:** Written notice of claims for unliquidated damages to be given within 1 year. A court may entertain a suit even though the required notice was not given, unless the defendant can affirmatively show that its defense was prejudiced by the lack of notice. Md. Code Ann. Cts. & Jud. Proc. § 5-304.

### Statutes of Repose

**Improvements to Real Property:** Against architect, professional engineer or contractor: no claim more than 10 years after the entire improvement first becomes available for its intended use. Against all others: 20 years after the entire improvement first becomes available for its intended use. Statute does not apply if the defendant was in actual possession of the property when the injury occurred. Md. Code Ann. Cts. & Jud. Proc. § 5-108; cf. Rose v. Fox Pool Corp., 643 A.2d 906 (1994) (finding that the 20 year period in § 5-108(a) barred claims against product manufacturers whose products do not contain asbestos).

## ■ MASSACHUSETTS

### Statutes of Limitation

**Improvements to Real Property:** 3 years from the date the cause of action accrues. Mass. Gen. Laws ch. 260, § 2B.

**Tort:** 3 years. Mass. Gen. Laws ch. 260, §§ 2A, 4; Mass. Gen. Laws ch. 106, § 2-318 (tort-based warranty claims) (see UCC, below).

**Contract:** For personal injuries: 3 years. Mass. Gen. Laws ch. 260, § 2A. Not involving personal injuries: 6 years. Mass. Gen. Laws ch. 260, § 2.

**UCC:** Although 4 years from when the breach occurs generally applies, see Mass. Gen. Laws ch. 106, § 2-725, it is 3 years after the date the injury and damages occurs for breach of warranty and negligence claims by someone not in privity with the defendant. Mass. Gen. Laws ch. 106, § 2-318.

**State and Local Government:** All public entities: Suit cannot be filed unless written notice is given within 2 years after the cause of action accrues, and the agency denies the claim. Failure to deny the claim after 6 months is deemed a denial. Suit must be filed within 3 years of the date the cause of action accrues. Mass. Gen. Laws ch. 258, § 4; Mass. Gen. Laws ch. 260, § 3A. Against the Commonwealth for harm from a state highway or against political subdivisions for harm from a public way: 30 days' notice and 3-year limitation. Mass. Gen. Laws ch. 81, § 18; Mass. Gen. Laws ch. 84, § 18.

### Statutes of Repose

**Improvements to Real Property:** If claim is not against a public agency: 6 years from opening of the improvement to use, or from substantial completion, whichever is earlier. If the improvement is to the real property of a public agency: 6 years from the opening of the improvement to public use, the substantial completion of the improvement, the public agency's acceptance of the project, or the contractor's acceptance of the public agency's substantial completion estimate, whichever is earliest. Mass. Gen. Laws ch. 260, § 2B.

**Medical Malpractice:** 7 years after the occurrence of the act or commission at issue, except where the action is based upon the leaving of a foreign object in the body. Mass. Gen. Laws ch. 260, § 4.

## ■ MICHIGAN

### Statutes of Limitation

**Tort:** Personal injury/property damage: 3 years. Mich. Comp. Laws § 600.5805; but cf. Mich. Comp. Laws § 600.5839(1)(b) (gross negligence claims related to improvements to real estate). Condominium Projects – common elements: 2 or 3 years depending on when cause of action accrues and control is transferred. Mich. Comp. Laws § 559.276. Malpractice: If not involving improvements to real property, 2 years, or 6 months from the date the claim was discovered or should have been discovered, whichever is later. Mich. Comp. Laws § 600.5805; Mich. Comp. Laws § 600.5838; Mich. Comp. Laws § 600.5838a.

**Contract:** 6 years. Mich. Comp. Laws § 600.5807. Claims for recovery of personal or property protection benefits. See Mich. Comp. Laws § 500.3145 (generally, 1 year for personal injury and property protection claims but exceptions apply).

**Medical Malpractice:** 2 years or 6 months after discovery. Mich. Comp. Laws § 600.5838a.

**State Government:** If involving a public highway or a public building, written notice to be filed with clerk of the court of claims within 120 days. Mich. Comp. Laws §§ 691.1404, 691.1406. If involving a sewer discharge, written notice within 45 days of when the damage was discovered or should have been discovered. Mich. Comp. Laws § 691.1419. In other cases of personal injury or property damage: written notice within 6 months. In all other types of cases, notice to be filed within 1 year. Mich. Comp. Laws § 600.6431. 3-year limitation period, Mich. Comp. Laws §§ 600.6452, 691.1411, but 2 years if involving a public highway. Mich. Comp. Laws §§ 691.1411, 691.1402.

**Local Government:** If involving a public highway or a public building, written notice within 120 days. Mich. Comp. Laws §§ 691.1404, 691.1406. If involving a sewer discharge, written notice within 45 days that the damage was discovered or should have been discovered. Mich. Comp. Laws § 691.1419. 2-year limitation period if involving a public highway. Otherwise, general statutes of limitation apply. Mich. Comp. Laws § 691.1411.

### Statutes of Repose

**Products:** No statute of repose *per se*, but 10 years after the product has been in use, the plaintiff loses any presumptions, such as that of negligence, otherwise afforded by Michigan law. Mich. Comp. Laws § 600.5805.

**Improvements to Real Property:** 6 years from occupancy, use or acceptance. In cases of gross negligence, claims can be brought within 1 year after the defect is discovered or should have been discovered, but no action can be maintained 10 years from occupancy, use or acceptance. Mich. Comp. Laws § 600.5839; Hinder v. Snyder, 2019 Mich. App. LEXIS 162 (Mich. Ct. App. 2019).

**Medical, Attorney Malpractice:** 6 years from the act or omission. Mich. Comp. Laws §§ 600.5838a, 600.5838b.

## ■ MINNESOTA

### Statutes of Limitation

**Tort:** Personal injury, generally, 6 years. Minn. Stat. § 541.05; D.M.S. v. Barber, 645 N.W.2d 383 (Minn. 2002); but see Minn. Stat. § 541.07(1) (other tort resulting in personal injury – 2 years); Sipe v. STS Mfg., 834 N.W.2d 683 (Minn. 2013) (stating that § 541.07(1) applies to common law tort actions not created by statute); Property damage, 6 years. Minn. Stat. § 541.05; but see Minn. Stat. § 541.07(3) (damages caused by a dam – 2 years); Minn. Stat. § 541.07(7) (pesticide application - 2 years); Improvements to Real Property, below. Strict liability arising from products, 4 years. Minn. Stat. § 541.05.

**Wrongful death:** Actions based on medical malpractice and any other action, 3 years from the date of death. Minn. Stat. § 573.02. Intentional acts causing death may be commenced at any time. Minn. Stat. § 573.02. But see Statute of Repose, below.

**Medical Malpractice:** 4 years from the date when some injury or damage occurs. Minn. Stat. § 541.076; MacRae v. Group Health Plan, Inc., 753 N.W.2d 711 (Minn. 2008). Wrongful Death, 3 years, but in no event later than 4 years. Minn. Stat. §§ 573.02; 541.076.

**Contract:** 6 years. Minn. Stat. § 541.05.

**Improvements to Real Property:** For actions accruing before May 8, 2018, 2 years after discovery. Minn. Stat. § 541.051. For actions accruing after May 8, 2018, 2 years after discovery for personal injury or wrongful death actions; 2 years after discovery for injury to property, but in no event does action accrue earlier than substantial completion or abandonment. Id. Actions for contribution or indemnification, 2 years after accrual. Id.

**State Government:** Notice must be given within 180 days after the loss or injury is discovered (1 year for wrongful death). The general tort statutes of limitation apply. Minn. Stat. § 3.736.

**Local Government:** Notice must be given within 180 days after the loss or injury is discovered (1 year for wrongful death). Minn. Stat. § 466.05.

### Statutes of Repose

**Improvements to Real Property:** 10 years after substantial completion of the construction. The statute does not apply in cases of fraud or to actions resulting from negligence in the maintenance, operation or inspection of the real property improvement against the owner or other person in possession, or to the manufacturer or supplier of any equipment or machinery installed upon real property. If the cause of action accrues during the 9th or 10th year after substantial completion, an action may

## MINNESOTA (continued)

be brought within 2 years, but not later than 12 years after substantial completion. Contribution or indemnity action barred more than 14 years after substantial completion. Minn. Stat. § 541.051.

**Wrongful Death:** Actions for medical malpractice, 4 years. Minn. Stat. § 573.02; Minn. Stat. § 541.076. Other actions must be commenced within 6 years after the act or omission. Minn. Stat. § 573.02.

## ■ MISSISSIPPI

### Statutes of Limitation

**Tort:** 3 years for most personal injury and property damage. Miss. Code Ann. § 15-1-49. 1 year for certain intentional torts. Miss. Code Ann. § 15-1-35. The period of limitations shall not be changed by contract. Miss. Code Ann. § 15-1-5. The period of limitations is also a statute of repose. Miss. Code Ann. § 15-1-3(1). If a plaintiff or defendant dies before the limitations period runs, the action may be commenced by or against the executor or administrator after the expiration of said time and within one year after the death. Miss. Code Ann. § 15-1-55.

**Contract:** Unwritten, 3 years (unwritten employment contract, 1 year). Miss. Code Ann. § 15-1-29. Written, 3 years. Miss. Code Ann. § 15-1-49. For sale of goods, 6 years. Miss. Code Ann. § 75-2-725. Parties' contractual agreements to alter statutes of limitation are void. Miss. Code Ann. § 15-1-5. The period of limitations is also a statute of repose. Miss. Code Ann. § 15-1-3(1). If a plaintiff or defendant dies before the limitations period runs, the action may be commenced by or against the executor or administrator after the expiration of said time and within one year after the death. Miss. Code Ann. § 15-1-55.

**Medical Malpractice:** Generally, 2 years. Miss. Code Ann. § 15-1-36(2).

**Other State:** If that cause of action arises in another state and is barred by other state's statute of limitation, the cause of action is barred in Mississippi also, except that for Mississippi plaintiffs, the Mississippi period of limitation shall apply. Miss. Code Ann. § 15-1-65.

**State and Local Government:** Written notice served in person or by registered or certified mail must be given 90 days prior to filing an action. The action must be filed within 1 year of the harm-producing conduct. The written notice will toll the limitation period for 95 days, during which time no action may be filed. After expiration of the tolling period, the claimant has an additional 90 days in which to file an action. If the government unit denies the claim, the additional 90 days runs from receipt of the denial. Miss. Code Ann. § 11-46-11.

### Statutes of Repose

**Improvements to Real Property:** 6 years after written acceptance or actual occupancy or use, whichever occurs first. Statute does not apply to any person, firm or corporation in actual possession and control as owner, tenant or otherwise of the improvement at the time the defective and unsafe condition of such improvement causes injury, nor to actions for wrongful death. Miss. Code Ann. § 15-1-41.

**Medical Malpractice:** 7 years. Miss. Code Ann. § 15-1-36(2).

## ■ MISSOURI

### Statutes of Limitation

**Tort:** Personal injuries, 5 years. Mo. Rev. Stat. § 516.120. Intentional torts, 2 years. Mo. Rev. Stat. § 516.140. Property damage, 5 years. Mo. Rev. Stat. § 516.120. Wrongful death, 3 years. Mo. Rev. Stat. § 537.100.

**Contract:** Generally, 5 years. Mo. Rev. Stat. § 516.120. Written, for payment of money. 10 years. Mo. Rev. Stat. § 516.110.

**Medical Malpractice:** 2 years after the plaintiff knows or should have known of the malpractice. Mo. Rev. Stat. § 516.105; Smith v. Tang, 926 S.W.2d 716 (Mo. Ct. App. 1996).

**Other State:** Whenever a cause of action has been time-barred by the laws of the state, territory or country in which it originated, the action will also be time-barred in Missouri. Mo. Rev. Stat. § 516.190.

**State and Local Government:** Against a sheriff, coroner or other public official, 3 years. Mo. Rev. Stat. § 516.130. Otherwise, the statute applicable to the type of action controls. Actions against constitutional charter cities, special charter cities and towns, third class cities and fourth class cities for injuries growing out of any defect in bridge, street or sidewalk require written notice within 90 days of the occurrence. Mo. Rev. Stat. §§ 82.210, 81.060, 77.600, 79.480.

### Statutes of Repose

**Improvements to Real Property:** 10 years from completion, for tort actions. If an occupancy permit is issued, the 10-year period commences on the date the permit is issued. When such an action is filed, a defendant's action for contribution or indemnity must be commenced within 1 year of the filing of plaintiff's action. Mo. Rev. Stat. § 516.097.

**Medical Malpractice:** 10 years from the act of neglect. Mo. Rev. Stat. § 516.105.

## ■ MONTANA

### Statutes of Limitation

**Tort:** Personal injury, 3 years. Intentional torts, 2 years. Mont. Code Ann. § 27-2-204. Property damage, 2 years. Mont. Code Ann. § 27-2-207; but see Ritland v. Rowe, 861 P.2d 175 (Mont. 1993) (stating that where there is a conflict between two statutes of limitations, such as between § 27-2-207 and the general negligence statute of limitations in § 27-2-204, the longer period of time (3 years) should apply). Breach of implied warranty claims – asserting covenants imposed by law regardless of contract – sound in tort and are subject to the 3-year limitations period in § 27-2-204. Bennett v. Dow Chem. Co., 713 P.2d 992 (Mont. 1986).

**Contract:** Not in writing, 5 years. In writing, 8 years. Mont. Code Ann. § 27-2-202. Other obligation or liability not founded on an instrument in writing, 3 years. Mont. Code Ann. § 27-2-202.

**Medical Malpractice:** 2 years after injury or 2 years after discovery, whichever occurs last, but never more than 5 years after injury. Mont. Code Ann. § 27-2-205.

**State Government:** Before filing a complaint, a claimant must first file a written notice with the Department of Administration and receive a denial. No action by the Department of Administration after 120 days will be deemed a denial. Upon the Department's receipt of the notice, the statute of limitation is tolled for 120 days. Mont. Code Ann. § 2-9-301. The statute of limitation relevant to the type of action applies. Mont. Code Ann. § 2-9-302.

**Local Government:** Notice procedures applicable to the state under Mont. Code Ann. § 2-9-301 do not apply to claims against political subdivisions. Stratemeyer v. Lincoln County, 915 P.2d 175 (Mont. 1996). Against a sheriff, coroner or constable, 3 years. Relating to prisoner escape, 1 year. For claims against a county that have been rejected by county commissioners, 6 months. For an action against a municipality for damage from mob or riot, 1 year. For action against a municipality relating to a land use, construction, or development project, 6 months from the written decision. Mont.

Code Ann. § 27-2-209. Otherwise, the statute of limitation relevant to the type of action applies. Mont. Code Ann. § 2-9-302.

## Statutes of Repose

**Improvements to Real Property:** 10 years from completion or land surveying. If the injury occurred during the 10th year after completion, the action may be commenced within 1 year after the occurrence. The statute does not apply to an action upon any contract, obligation, or liability founded upon an instrument in writing, nor to any owner, tenant, or person in actual possession and control of the improvement or real property that is surveyed at the time a right of action arises. Mont. Code Ann. § 27-2-208.

## ■ NEBRASKA

### Statutes of Limitation

**Tort:** Personal injury and property damage, 4 years. Neb. Rev. Stat. § 25-207; but see Neb. Rev. Stat. §§ 30-809, 30-810 (wrongful death – 2 years).

**Contract:** Written, 5 years. Neb. Rev. Stat. § 25-205. Oral, 4 years. Neb. Rev. Stat. § 25-206.

**Medical Malpractice:** 2 years. Neb. Rev. Stat. § 25-222.

**Improvements to Real Property:** Claims for breach of warranty or act or omission for deficiency in the design, planning, supervision or observation of construction, or construction generally subject to a 4-year repose period with no other limitation applicable. If the cause of action is not discovered and could not reasonably be discovered in 4 years, an action may be commenced within 2 years from the date of discovery or from the date of discovery of facts which would reasonably lead to discovery, whichever is earlier, subject to 10-year repose period. Neb. Rev. Stat. § 25-223.

**Professional Liability:** For damages based on professional negligence or breach of warranty, 2-year repose period with no other limitation applicable. If the cause of action not discovered and could not reasonably be discovered in 2 years, an action may be commenced within 1 year from the date of discovery or from the date of discovery of facts which would reasonably lead to discovery, whichever is earlier, subject to 10-year repose period. Neb. Rev. Stat. § 25-222.

**State Government:** 2 years. Neb. Rev. Stat. §§ 25-218, 81-8,227. Suit may not be filed until the Risk Manager or State Claims Board has disposed of the claim. If the Risk Manager or State Claims Board has not acted within 6 months from filing, the notice may be withdrawn and suit may be filed. Neb. Rev. Stat. § 81-8,213. Suit must be filed within 2 years after the claim accrues. The limitation period is extended 6 months from the government's mailing of the disposition notice or from claimant's withdrawal of notice. Neb. Rev. Stat. § 81-8,227.

**Local Government:** Written notice required within 1 year. Neb. Rev. Stat. §§ 13-905, 13-919. Suit may not be filed until the government has disposed of the claim. If the government has not acted within 6 months from filing, the notice may be withdrawn and suit may be filed. Neb. Rev. Stat. § 13-906. Suit must be filed within 2 years after the claim accrues. The limitation period is extended 6 months from the local government's mailing of the disposition notice or from the claimant's withdrawal of notice. Neb. Rev. Stat. § 13-919.

### Statutes of Repose

**Products:** If the product is made in Nebraska, 10 years from the first sale. If the product is not made in Nebraska, time from the statute of repose date for the state or country where made, but not less than 10 years. If the other state/country has no statute of repose, none shall apply. Asbestos and certain other toxic substances also excepted. Neb. Rev. Stat. § 25-224.

**Improvements to Real Property:** 4 years from the act or omission, for breach of warranty or defective design, planning, construction. If the discovery rule applies (see below), 10 years from the act. Neb. Rev. Stat. § 25-223.

**Professional Liability:** 2 years from the act or omission, for professional negligence or breach of warranty. If the discovery rule applies (see below), 10 years from act or omission. Neb. Rev. Stat. § 25-222. Sec. 25-222 applies to architects; sec. 25-223 to contractors. Witherspoon v. Sides Const. Co., Inc., 362 N.W.2d 35 (Neb. 1985).

## ■ NEVADA

### Statutes of Limitation

**Tort:** Personal injury, 2 years. Property damage, 3 years. Nev. Rev. Stat. § 11.190.

**Contract:** Written, 6 years. Oral, 4 years. Nev. Rev. Stat. § 11.190.

**Medical Malpractice:** Generally, for injuries occurring on or after October 1, 2002, 3 years, or 1 year after discovery. Nev. Rev. Stat. § 41A.097(2). Generally, for injuries occurring on or after October 1, 2023, 3 years or 2 years after discovery. Nev. Rev. Stat. § 41A.097(3).

**Other State:** If the cause of action arises in another state and is barred by the other state's statute of limitation, the cause of action is barred in Nevada also, except in favor of a Nevada resident who has held the cause of action from the time it accrued. Nev. Rev. Stat. § 11.020.

**State and Local Government:** A notice of claim must be filed within 2 years. Nev. Rev. Stat. § 41.036. Statutes requiring notice against a local government to be filed within 6 months (Nev. Rev. Stat. §§ 244.245, 244.250) where held unconstitutional in Turner v. Staggs, 510 P.2d 879 (Nev. 1973). Against a sheriff, coroner or constable, 2 years. Nev. Rev. Stat. § 11.190. Otherwise, the statutes of limitation which would control against a private party generally applicable. Jimenez v. State, 644 P.2d 1023 (Nev. 1982).

### Statutes of Repose

**Improvements to Real Property:** No action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision of observation or construction, or the construction of an improvement to real property more than 10 years after the substantial completion of such an improvement, for the recovery of damages for any deficiency in the construction, injury to real or personal property, or death. Nev. Rev. Stat. § 11.202; see Owners Ass'n v. Somerset Dev. Co., 492 P.3d 534 (Nev. 2021) ("substantial completion" means when the owner can occupy or utilize the work for its intend use). The statute does not apply to fraud claims. Nev. Rev. Stat. § 11.202. However, lower-tiered subcontractors who unknowingly cover up a defect are not subject to the fraud exception. Id. The statute is not applicable to contribution or indemnity claims, innkeeper liability or product defect claims. Id.

## ■ NEW HAMPSHIRE

### Statutes of Limitation

**Tort:** 3 years from act or omission, or 3 years from the date the act or omission was discovered or should have been discovered. N.H. Rev. Stat. Ann. § 508:4.

**Contract:** 3 years from act or omission, or 3 years from date the act or omission was discovered or should have been discovered. N.H. Rev. Stat. Ann. § 508:4.

**State Government:** Notice to the agency within 180 days of loss; suit within 3 years. N.H. Rev. Stat. Ann. § 541-B:14.

## NEW HAMPSHIRE (continued)

**Local Government:** Notice by registered mail to the agency within 60 days of loss, or within 60 days of the date the loss was discovered if it could not have been discovered at time of occurrence. 3 year limitation. N.H. Rev. Stat. Ann. § 507-B:7.

### Statutes of Repose

**Products:** None. N.H. Rev. Stat. Ann. § 507-D:2, which attempted to impose a repose period, was held unconstitutional in Heath v. Sears, Roebuck & Co., 464 A.2d 288 (N.H. 1983).

**Improvements to Real Property:** 8 years from the date of substantial completion. N.H. Rev. Stat. Ann. § 508:4-b; Winnisquam Regional School Dist. v. Levine, 880 A.2d 369 (N.H. 2005).

## ■ NEW JERSEY

### Statutes of Limitation

**Tort:** Personal injury: 2 years. N.J. Rev. Stat. Ann. § 2A:14-2. Property damage: 6 years. N.J. Rev. Stat. Ann. § 2A:14-1; but see N.J. Rev. Stat. Ann. § 2A:14-1(c) (tolling for condominiums/condos).

**Contract:** 6 years. N.J. Rev. Stat. Ann. § 2A:14-1; but see N.J. Rev. Stat. Ann. § 2A:14-1(c) (tolling for condominiums/condos).

**State and Local Government:** Torts: Written notice of claim to be filed with the Attorney General or responsible agency within 90 days. Suit may be filed after 6 months from the date the claim is received. 2-year limitation. N.J. Rev. Stat. Ann. § 59:8-8. 90-day notice period may be extended to 1 year with court approval upon showing of extraordinary circumstances. N.J. Rev. Stat. Ann. § 59:8-9. Contracts: Written notice of claim with the contracting agency within 90 days of accrual of claim. Suit may be filed after 90 days from the date the claim is received. Limitation of 2 years, or 1 year after the completion of the contract, whichever is later. N.J. Rev. Stat. Ann. § 59:13-5. The 90-day notice period may be extended to 1 year with court approval, if the state has not been prejudiced by the delay. N.J. Rev. Stat. Ann. § 59:13-6.

### Statutes of Repose

**Improvements to Real Property:** 10 years after services rendered. N.J. Rev. Stat. Ann. § 2A:14-1.1.

## ■ NEW MEXICO

### Statutes of Limitation

**Tort:** Personal injury, 3 years. N.M. Stat. § 37-1-8. Property damage, 4 years. N.M. Stat. § 37-1-4.

**Contract:** Written, 6 years. N.M. Stat. § 37-1-3. Oral, 4 years. N.M. Stat. § 37-1-4.

**State and Local Government:** 90 days written notice. N.M. Stat. § 41-4-16. 2-year limitation. N.M. Stat. § 41-4-15.

### Statutes of Repose

**Improvements to Real Property:** 10 years from substantial completion. N.M. Stat. § 37-1-27; but see N.M. Stat. § 42-14-3(M) (tolling the statute of repose or other applicable limitations period during the repair and replacement process specified in the Right to Repair Act notice).

**Medical Malpractice:** 3 years from date of malpractice. N.M. Stat. § 41-5-13. Minors and incapacitated persons shall have 1 year from and after the date of majority or termination of incapacity. N.M. Stat. § 41-5-13.

## ■ NEW YORK

### Statutes of Limitation

**Tort:** Personal injury or property damage: 3 years. N.Y. C.P.L.R. § 214; but see N.Y. E.P.T.L. § 5-4.1 (generally, 2 years for wrongful death). Non-medical malpractice: 3 years from completion of performance, applicable even if claim is contract-based. Id.; In re R.M. Kliment, 821 N.E.2d 952 (N.Y. 2004). Medical malpractice: 2½ years, or, if applicable, 1 year from discovery of a foreign object in the patient, whichever is earlier. N.Y. C.P.L.R. § 214-a. Crime Victims see N.Y. C.P.L.R. § 213-b.

**Contract:** 6 years. N.Y. C.P.L.R. § 213. As to architects and contractors, runs from completion of performance. Town of Oyster Bay v. Lizza Industries, Inc., 4 N.E.3d 944 (N.Y. 2013).

Implied Warranty Claims – New Homes: 1 year after expiration of applicable warranty period or within 4 years after the warranty date, whichever is later. N.Y. Gen. Bus. § 777-a(4)(b). If the builder makes repairs, 1 year after the last date of repairs. N.Y. Gen. Bus. § 777-a(4)(b). Action for contribution or indemnification 1 year after entry of judgment. N.Y. Gen. Bus. § 777-a(4)(c). Builder must receive written notice of warranty claim prior to the commencement of any action and no later than 30 days after the expiration of the applicable warranty period. N.Y. Gen. Bus. § 777-a(4)(1).

**State Government:** Claim (equivalent of complaint) must be filed with the Court of Claims and served on the Attorney General within the limitation periods specified by the Court of Claims Act. A Notice of Intention to File a Claim, served on the Attorney General, extends the limitation period. Wrongful death: Claim or Notice of Intention to be filed within 90 days from the naming of the estate's personal representative, but not later than 2 years after death. Personal injury or property damage based on an unintentional tort: Filing of claim within 90 days OR Notice of Intention within 90 days and filing of claim within 2 years. Personal injury or property damage based on an intentional tort: Filing of claim within 90 days OR Notice of Intention within 90 days and filing of claim within 1 year. Breach of Contract: Filing of claim within 6 months OR Notice of Intention within 6 months and filing of claim within 2 years. Time limitations may be excused in lieu of general statutes of limitation applicable to non-public entities, with court approval. Court of Claims Act § 10.

**Local Government:** Within 90 days, written notice by registered or certified mail to public corporation's designee or attorney. Late notice up to the end of limitation period is permissible with court approval. 30-day waiting period after filing of notice before suit can be filed. Limitation period of 1 year 90 days (2 years for wrongful death). Gen. Mun. Law § 50-e, 50-i.

### Statutes of Repose

**Improvements to Real Property:** None *per se*. However, no action may be filed against an architect, engineer or surveyor for a claim arising more than 10 years after performance, conduct or omission, unless the plaintiff first gives written notice to the defendant. Suit may be filed after a 90-day waiting period. N.Y. C.P.L.R. § 214-d.

## ■ NORTH CAROLINA

### Statutes of Limitation

**Tort:** Personal injury/property damage: 3 years. N.C. Gen. Stat. §1-52. Where bodily injury to the person or a defect in property is an essential element in the cause of action, the 3-year statute, rather than the 4-year UCC statute, N.C. Gen. Stat. § 25-2-725, should be used. Hanover Ins. Co. v. Amana Refrigeration, Inc., 415 S.E.2d 99 (N.C. Ct. App. 1992); N.C. Gen. Stat. § 1-52(1)-(5). See also the Statute of Repose,

below. Wrongful Death: 2 years unless barred by N.C. Gen. Stat. § 1-15(6) or 1-52(16). N.C. Gen. Stat. § 1-53(4).

**Contract:** 3 years. N.C. Gen. Stat. § 1-52. See also, the Statute of Repose, below.

**Professional Malpractice:** 3 years from the last act of the defendant giving rise to the cause of action, but if injury or damage is discovered or should have been discovered 2 or more years after the last act: 1 year from discovery. N.C. Gen. Stat. § 1-15; Flippin v. Jarrell, *supra*.

**State Government:** Tort claims: 3 years, or, in the case of wrongful death, 2 years from death. N.C. Gen. Stat. §143-299.

**Local Government:** Contract claims: 2 years, or, if longer, 90 days from substantial completion or termination of the project. Wrongful death: 2 years from date of death. N.C. Gen. Stat. § 1-53.

### Statutes of Repose

**Products:** For causes of action accruing on or after October 1, 2009: 12 years after initial purchase. N.C. Gen. Stat. § 1-46.1. For causes of action accruing before October 1, 2009: 6 years after initial purchase. N.C. Gen. Stat. § 1-50.

**Improvements to Real Property:** 6 years after the last act giving rise to the cause of action or substantial completion, whichever is later. N.C. Gen. Stat. § 1-50.

**Professional Malpractice:** If injury or damage is not discovered within 2 years of defendant's last act: 4 years from last act of the defendant giving rise to the cause of action, or, if a foreign object is discovered left within patient, 10 years from the last act. N.C. Gen. Stat. § 1-15; Flippin v. Jarrell, 270 S.E.2d 482 (N.C. 1980).

**Other Personal Injury or Property Damage:** 10 years from the last act or omission of the defendant giving rise to the cause of action, except in case of groundwater contamination. N.C. Gen. Stat. §1-52.

## ■ NORTH DAKOTA

### Statutes of Limitation

**Tort:** Personal injury and property damage, 6 years. N.D. Cent. Code § 28-01-16; but see N.D. Cent. Code § 32-46.2-07 (asbestos actions); N.D. Cent. Code § 28-01-18(4) (wrongful death actions).

**Contract:** 6 years. N.D. Cent. Code § 28-01-16.

**Medical Malpractice:** 2 years from malpractice. N.D. Cent. Code § 28-01-18(3).

**Other State:** If another state supplies the substantive law, the other state's statute of limitation applies. N.D. Cent. Code § 28-01.2-02. Exception may be made in case of unfairness. N.D. Cent. Code § 28-01.2-04.

**State Government:** A notice of tort claim must be filed with Director of Office of Management and Budget within 180 days (1 year for wrongful death). N.D. Cent. Code § 32-12.2-04. No contract action may be filed until a notice of claim is filed with the state agency and refused. The failure of the agency to respond in 10 days is deemed a refusal. N.D. Cent. Code § 32-12-03. Tort and contract claims subject to 3-year limitation. N.D. Cent. Code § 28-01-22.1; but see N.D. Cent. Code § 28-01-22.1(3), (4) (sexual assault).

**Local Government:** 3-year limitation on tort claims. N.D. Cent. Code § 32-12.1-10; but see N.D. Cent. Code § 32-12.1-10(2), (3) (sexual assault).

### Statutes of Repose

**Products:** None. N.D. Cent. Code § 28-01.3-08 held unconstitutional in Dickie v. Farmers Union Oil Co., 611 N.W.2d 168 (N.D. 2000).

**Improvements to Real Property:** 10 years from substantial completion. If the injury occurred during the 10th year after such substantial completion, an action may be brought within 2 years of the injury, but not later than 12 years from substantial completion. N.D. Cent. Code § 28-01-44.

**Medical Malpractice:** 6 years from act or omission. N.D. Cent. Code § 28-01-18.

## ■ OHIO

### Statutes of Limitation

**Products:** 2 years after the cause of action accrues. Ohio Rev. Code Ann. § 2305.10.

**Tort:** Personal injury/personal property: 2 years. Ohio Rev. Code Ann. § 2305.10. Real property: 4 years. Ohio Rev. Code Ann. § 2305.09; Harris v. Liston, 714 N.E.2d 377 (Ohio 1999).

**Contract:** Written: 6 years. Ohio Rev. Code Ann. § 2305.06. Oral: 4 years. Ohio Rev. Code Ann. § 2305.07(A). U.C.C. Contracts for Sale: 4 years, except consumer transactions, which is 6 years. Ohio Rev. Code Ann. §§ 1302.98, 2305.07(C).

**Malpractice:** Non-medical: 1 year. Ohio Rev. Code Ann. § 2305.11. Medical: 1 year, or 180 days after written notice to defendant, if given within 1 year. For foreign object: 1 year after the object is discovered or should have been discovered. Ohio Rev. Code Ann. § 2305.113.

**State Government:** Other than actions involving vehicles operated by state employees: Civil action to be filed in Court of Claims within 2 years after the date of accrual of the cause of action or within any shorter period that is applicable to similar suits between private parties. Actions involving vehicles operated by state employees: Claim must first be presented to state before suit is filed. If, after request to settle, state does not compromise the claim within a reasonable time after the request and at least 60 days before limitation period expires, suit may be filed against the state agency within limitation period applicable to non-vehicular claims (generally, 2 years). Ohio Rev. Code Ann. § 2743.16.

**Local Government:** Against political subdivisions: 2 years from the accrual of the cause of action. Ohio Rev. Code Ann. § 2744.04.

### Statutes of Repose

**Products:** 10 years from the date the product was delivered to its first purchaser or lessee, excepting warranty claims if the seller warranted the product for more than 10 years. Claims arising from certain hazardous or toxic products, including medical devices, DES and asbestos, also subject to exceptions. Ohio Rev. Code Ann. § 2305.10; Groch v. General Motors Corp., 883 N.E.2d 377 (Ohio 2008).

**Improvements to Real Property:** 10 years after substantial completion. Ohio Rev. Code Ann § 2305.131; Oaktree Condominium Assoc. v. Hallmark Bldg. Co., 11 N.E.3d 266 (Ohio 2014). If the defect is discovered two years prior to the 10-year expiration, a cause of action may be brought within 2 years from the date of discovery. Ohio Rev. Code Ann. § 2305.131.

**Medical Malpractice:** 4 years from the act or omission forming the basis of the claim. If the basis of the claim is discovered in the 3rd year and could not have been discovered earlier: 1 year from discovery. Not applicable to claims for foreign objects left inside the body. Ohio Rev. Code Ann. § 2305.113.

## ■ OKLAHOMA

### Statutes of Limitation

**Tort:** Personal injury and property damage, 2 years. Some intentional torts, 1 year. 12 Okla. Stat. § 95.

**Contract:** Written, 5 years. Oral, 3 years. 12 Okla. Stat. § 95. For sale of goods, 5 years. 12A Okla. Stat. § 2-725.

## OKLAHOMA (continued)

**Other State:** If the claim accrued outside Oklahoma, the statute shall be that of the place where the claim accrued, or Oklahoma's, whichever last bars the claim. 12 Okla. Stat. § 105.

**State and Local Government:** A notice must be filed within 1 year of the loss. 51 Okla. Stat. § 156. If the government denies claim within 90 days, suit must be filed within 180 days of the denial. The failure to deny claim within 90 days will be deemed a denial. 51 Okla. Stat. § 157.

### Statutes of Repose

**Improvements to Real Property:** 10 years from substantial completion. 12 Okla. Stat. § 109.

## ■ OREGON

### Statutes of Limitation

**Tort:** Personal injury and medical malpractice, 2 years. Or. Rev. Stat. § 12.110; but see Or. Rev. Stat. § 30.020(1) (wrongful death – 3 years). Property damage, 6 years. Or. Rev. Stat. § 12.080. Product liability actions for injury to person or property, 2 years. Or. Rev. Stat. 30.905. Products liability wrongful death actions, 3 years. Id. Product liability, asbestos-related damage, 2 years after discovery. Or. Rev. Stat. § 30.907 (for actions against contractors, see Or. Rev. Stat. § 30.907(3), (4)). Property Damage caused by nuclear incident: 2 years. Or. Rev. Stat. § 12.137. See also, Statute of Repose, below.

**Contract:** 6 years. Or. Rev. Stat. § 12.080.

**Professional Malpractice:** If against an architect, landscape architect or engineer: 2 years, for claims arising out of the construction, alteration or repair of any improvement to real property, regardless of legal theory. Or. Rev. Stat. § 12.135.

**State and Local Government:** Notice of claim must be filed within 180 days of the injury (1 year for wrongful death.) Commencement of an action satisfies the notice requirement. 2-year limitation period. Or. Rev. Stat. § 30.275.

### Statutes of Repose

**Products:** Action must be commenced before the later of: (a) 10 years after purchase; or (b) the expiration of any statute of repose for an equivalent civil action in the state in which the product was manufactured, or, if manufactured in a foreign country, the expiration of any statute of repose for an equivalent civil action in the state into which the product was imported. Or. Rev. Stat. § 30.905. Death cases must be brought within 3 years after death, 10 years after the product was first purchased, or the expiration of statute of repose in the state where the product was manufactured or, if manufactured in a foreign country, its statute of repose; whichever comes first. Id. The statute does not apply to manufactured dwellings or a prefabricated structure. Id. Asbestos-related disease excepted. Or. Rev. Stat. § 30.907.

### Improvements to Real Property:

**By a plaintiff not a public body:** If by a homeowners association or association of unit owners, 10 years after substantial completion or abandonment of construction for a small commercial structure, a residential structure, a large commercial structure. For actions related to other large commercial structures, 6 years. Or. Rev. Stat. § 12.135

**By a public body:** 10 years after substantial completion or abandonment of the improvement. Id.

**Claims against architects, landscape architects, engineers:** Notwithstanding either of the foregoing, for claim arising on or before 1/1/14: 10 years after substantial completion or abandonment of the construction, alteration or repair. For causes of action arising on or after 1/1/14: If by a homeowners' associations or association of unit owners of a residential, small commercial and large commercial structures, 10 years from completion; for actions by others for large commercial structures, 6 years. Or. Rev. Stat. § 12.135.

For causes of action arising after January 1, 2020, substantial completion is defined to mean the earliest of: a) the date the contractee accepts the improvement in writing, the date of the certificate of occupancy; or b) the date the owner uses or occupies the improvement. Id.

Actions against any person in actual possession and control of the improvement are excepted. Or. Rev. Stat. § 12.135. Manufacturers and sellers of manufactured or prefabricated homes are subject to the limitations in § 12.135. Or. Rev. Stat. § 30.905.

**Negligent Injury to Person or Property:** 10 years from act or omission. Or. Rev. Stat. § 12.115.

**Medical Malpractice:** 5 years from act or omission. Or. Rev. Stat. § 12.110.

## ■ PENNSYLVANIA

### Statutes of Limitation

**Tort:** 2 years. 42 Pa. Cons. Stat. § 5524.

**Contract:** 4 years. 42 Pa. Cons. Stat. § 5525.

**Home Inspection Reports:** Residential: damage arising from a home inspection report, 1 year after report is delivered. 68 Pa. Cons. Stat. § 7512.

**State and Local Government:** If against a government unit, notice must be filed with the unit, and, if a state agency, with the Attorney General also, within 6 months. A court may dispense with the notice requirement upon the showing of a reasonable excuse for the failure to file. The statute of limitation applicable to the type of cause of action applies. If against the officer of a government unit for anything done in the execution of his office, a civil action (not notice) must be filed within 6 months. 42 Pa. Cons. Stat. § 5522.

### Statutes of Repose

**Improvements to Real Property:** 12 years after completion. If the injury occurs between the 10th and 12th year after completion, a civil action may be commenced not later than 14 years after completion. 42 Pa. Cons. Stat. §5536. Land surveying and landscape architecture: 12 years from the time the services are performed. 42 Pa. Cons. Stat. §§ 5537, 5538.

## ■ RHODE ISLAND

### Statutes of Limitation

**Tort:** Personal injury: 3 years. R.I. Gen. Laws § 9-1-14. Property damage: 10 years. R.I. Gen. Laws § 9-1-13(a). Malpractice: 3 years from the incident (or, in case of home inspector, from delivery of written report). If not discoverable during that time, 3 years from the date the injury was discovered or should have been discovered. R.I. Gen. Laws §§ 9-1-14.1, 9-1-14.3, 9-1-14.4.

**Contract:** 10 years. R.I. Gen. Laws § 9-1-13(a).

**State and Local Government:** 3 years, against the state or any political subdivision. R.I. Gen. Laws § 9-1-25. For actions against towns for liability arising from a bridge or highway: 60 days written notice to town council is required, plus there is a 40-day waiting period before suit can be filed. R.I. Gen. Laws §§ 45-15-9; 45-15-5. For all

other actions against towns: presentment of a claim to town council is required plus there is a 40-day waiting period before suit can be filed. R.I. Gen. Laws § 45-15-5.

### Statutes of Repose

**Products:** None. R.I. Gen. Laws § 9-1-13(b) was held unconstitutional in Kennedy v. Cumberland Engineering Co., 471 A.2d 195 (R.I. 1984).

**Improvements to Real Property:** 10 years from substantial completion. R.I. Gen. Laws § 9-1-29.

## ■ SOUTH CAROLINA

### Statutes of Limitation

**Tort:** 3 years. S.C. Code Ann. § 15-3-530.

**Contract:** 3 years. S.C. Code Ann. § 15-3-530. Arising from the sale of goods: 6 years. S.C. Code Ann. § 36-2-725.

**Medical Malpractice:** Generally: 3 years from the date of treatment, or 3 years from the date of discovery or the date the injury should have been discovered. Foreign object: 2 years from the date of discovery or the date the object should have been discovered. S.C. Code Ann. § 15-3-545.

**State and Local Government:** Optional verified claim may be filed with the State Budget and Control Board or with the political subdivision. If filed, the state or subdivision has 180 days in which to approve the claim. If the claimant has not been notified of the status of the claim within 180 days, the claim is deemed disallowed. S.C. Code Ann. § 15-78-80. If a verified claim is filed, the claimant may not file suit until the earliest of: (1) 180 days from the filing of the claim; (2) the governmental entity's disallowance of the claim; or (3) the governmental entity's rejection of a settlement offer. S.C. Code Ann. § 15-78-90. If no claim was filed, the limitation period is 2 years from the date that injury was discovered or should have been discovered; if a claim was filed, the limitation period is 3 years from the date that the injury was discovered or should have been discovered. S.C. Code Ann. §§ 15-78-100, 155-78-110.

### Statutes of Repose

**Improvements to Real Property:** 8 years after substantial completion. S.C. Code Ann. § 15-3-640.

**Medical Malpractice:** 6 years from occurrence generally; 3 years for leaving of foreign object in patient. S.C. Code Ann. § 15-3-545.

## ■ SOUTH DAKOTA

### Statutes of Limitation

**Tort:** Personal injury, 3 years. S.D. Codified Laws § 15-2-14. Property damage, 6 years. S.D. Codified Laws § 15-2-13. Products, 3 years. S.D. Codified Laws § 15-2-12.2.

**Contract:** 6 years. S.D. Codified Laws § 15-2-13.

**Medical Malpractice:** 2 years. S.D. Codified Laws § 15-2-14.1 (see also, Statute of Repose, below).

**State and Local Government:** Written notice is required within 180 days of the injury.

S.D. Codified Laws § 3-21-2. 1-year limitation on actions against the state. S.D. Codified Laws § 21-32-2. 2-year limitation on actions against municipalities. S.D. Codified Laws § 9-24-5. 3 years for actions against a sheriff, coroner, or constable. S.D. Codified Laws § 15-2-14.

### Statutes of Repose

**Improvements to Real Property:** 10 years after substantial completion. S.D. Codified Laws § 15-2A-3. If the injury occurs in 10th year, the period is extended 1 year, but not beyond 11 years. S.D. Codified Laws § 15-2A-5. The statute does not apply to persons in control of the improvement, nor in cases of fraud or willful misconduct. S.D. Codified Laws §§ 15-2A-4, 15-2A-7.

**Medical Malpractice:** 2 years after the alleged error. S.D. Codified Laws § 15-2-14.1.

**Legal Malpractice:** 3 years after the alleged error. S.D. Codified Laws § 15-2-14.2. (Note: S.D. has a number of other statutes of repose governing various trades and professions. Consult Chapter 15-2 of the Codified Laws for details.)

## ■ TENNESSEE

### Statutes of Limitation

**Products:** General statutes of limitation apply. But see Tenn. Code Ann. § 28-3-104(b) (discussing accrual for personal injury actions). However, if an action is dismissed in such a manner that does not conclude plaintiff's cause of action, the action may be refiled within 1 year of dismissal under Tenn. Savings Statute, Tenn. Code Ann. § 28-1-105. Sharp v. Richardson, 937 S.W.2d 846 (Tenn. 1996). No action may be brought more than 6 years after injury. Tenn. Code Ann. § 29-28-103.

**Tort:** Personal injury: 1 year. Tenn. Code Ann. § 28-3-104; but see Tenn. Code Ann. § 28-3-104(a)(2) (extending statute to two years if criminal charges are brought). Property damage: 3 years. Tenn. Code Ann. § 28-3-105.

**Contract:** 6 years. Tenn. Code Ann. § 28-3-109.

**Medical Malpractice:** 1 year. If not discovered within 1 year, 1 year from the date of discovery. No action may be brought more than 3 years from the date of the act or omission, unless involving fraudulent concealment, in which case an action must be brought within 1 year of discovery. In a case involving a foreign object left in patient: 1 year from the date the injury or wrongful act was discovered or should have been discovered. Tenn. Code Ann. § 29-26-116.

**Professional Malpractice:** Against licensed or certified public accountants or attorneys, 1 year from accrual of the cause of action. Tenn. Code Ann. § 28-3-104. Against real estate appraiser, 1 year from discovery of the act or omission. Id.

**State Government:** Actions against the state permitted if arising from the operation of motor vehicles, maintenance of streets or structures, or negligent acts or omissions of state employees. Tenn. Code Ann. § 9-8-307. Within the limitation period generally applicable to the type of claim, written notice must be filed with the Div. of Claims and Risk Management. If the claim is denied or if settlement is offered but rejected, the claimant must file a claim with Claims Commission within 90 days of the denial or offer. Tenn. Code Ann. § 9-8-402.

**Local Government:** Actions against political subdivisions are permitted if arising from the operation of motor vehicles, maintenance of streets or structures, or negligent acts or omissions of government employees. Tenn. Code Ann. § 29-20-101, *et seq.* For an action against a municipal corporation arising from the maintenance of a street, alley, sidewalk or highway, written notice of the injury must be served on the mayor or municipal manager within 120 days of the injury. Tenn. Code Ann. § 7-31-103. The governmental entity or employee has 60 days in which to answer or otherwise respond to any claim, action, or suit. A claim is deemed denied if not approved by the end of the 60-day period. Tenn. Code Ann. § 29-20-304. Suit may be filed if the claim is denied, within 12 months after the cause of action arises. Tenn. Code Ann. § 29-20-305.

### Statutes of Repose

**Products:** 10 years from date of purchase or within 1 year after expiration of the anticipated life of the product, whichever is shorter. Tenn. Code Ann. § 29-28-103. The anticipated life of a product is determined by the expiration date placed on the product by the manufacturer when required by law but shall not commence until the date the

[TENNESSEE \(continued\)](#)

product was first purchased for use or consumption. Tenn. Code Ann. § 29-28-102. (Note: the Tenn. Products Liability Act was held pre-empted as to generic drugs in Strayhorn v. Wyeth Pharmaceuticals, 737 F.3d 378 (6th Cir. 2013)).

**Improvements to Real Property:** 4 years after substantial completion. Tenn. Code Ann. § 28-3-202. If injury occurred during the 4th year after substantial completion, the repose period is extended by 1 year from the date of injury, but not longer than 5 years from substantial completion. Tenn. Code Ann. § 28-3-203.

**Professional Malpractice:** Against licensed or certified public accountants or attorneys, for causes of action accruing 7/1/14 or later: 5 years from act or omission, except if there is fraudulent concealment, in which case the action must be filed 1 year from discovery. Tenn. Code Ann. § 28-3-104. Against a real estate appraiser for causes of action accruing 7/1/17 or later: 5 years after the date the appraisal was conducted. Id.

== [TEXAS](#)

**Statutes of Limitation**

**Tort:** Personal injury and property damage, 2 years. Tex. Civ. Prac. & Rem. Code § 16.003; but see Tex. Civ. Prac. & Rem. Code § 16.004 (4 years for fraud or breach of fiduciary duty).

Residential Construction Defects: Submission to arbitration has the same effect on the running of the statute of limitations as filing in a court. Tex. Prop. Code § 27.008; see Tex. Prop. Code § 27.005 (chapter does not extend the limitations period).

**Contracts:** 4 years. Tex. Civ. Prac. & Rem. Code § 16.051; Stine v. Stewart, 80 S.W.3d 586 (Tex. 2002); see also Tex. Civ. Prac. & Rem. Code § 16.004 (4 years for certain types of action).

**Medical Malpractice:** 2 years from occurrence of breach or tort. Tex. Civ. Prac. & Rem. Code § 74.251.

**State and Local Government:** Written notice within 6 months. Tex. Civ. Prac. & Rem. Code § 101.101. No separate statutes of limitation.

**Statutes of Repose**

**Products:** 15 years after the date of the sale of the product, except for latent health claims and longer express warranties. Tex. Civ. Prac. & Rem. Code § 16.012.

**Improvements to Real Property:** Against a registered or licensed architect, engineer, interior designer, or landscape architect in Texas, 10 years after substantial completion or the beginning of operation of the equipment. If a written claim is presented within 10 years, the period is extended 2 years from the day of presentation. Tex. Civ. Prac. & Rem. Code § 16.008. Subject to some exceptions, governmental entities must bring suit within 8 years. Tex. Civ. Prac. & Rem. Code § 16.008(a-1). Against a person who constructs or repairs an improvement to real property, 10 years after substantial completion or a deficiency in the construction or repair of the improvement. Subject to some exceptions, governmental entities must bring suit within 8 years. Tex. Civ. Prac. Rem. Code § 16.009(a-1). If a written claim is presented within 10 years, the period is extended 2 years from the day of presentation. Tex. Civ. Prac. & Rem. Code § 16.009.

If a claim arises out of the design, construction, or repair of a new residence, the alteration or repair of an existing residence or appurtenance to a residence and the person sued is a contractor who provides a written warranty (see Tex. Civ. Prac. & Rem. Code § 16.009(a-3)) suit must be brought within 6 years of substantial completion. Tex. Civ. Prac. & Rem. Code § 16.009(a-2). If a claimant presents a written claim during the applicable limitations period, the period is extended for 2 years from presentment for a claim to which subsection (a) applies; or 1 year for claims to which (a-1) or (a-2) apply. Tex. Civ. Prac. & Rem. Code § 16.009(a-4)(c). For purposes of § 16.009(a-2), if the damage or injury occurs during the last year of the applicable limitations period, the claimant must bring suit within 2 years. Tex. Civ. Prac. & Rem. Code § 16.009(a-4)(d).

**Medical Malpractice:** 10 years from occurrence of the breach or tort. Tex. Civ. Prac. & Rem. Code § 74.251.

== [UTAH](#)

**Statutes of Limitation**

**Products:** 2 years from when the claimant discovered, or should have discovered, the harm and its cause. Utah Code Ann. § 78B-6-706.

**Tort:** Personal injury, 4 years. Utah Code Ann. § 78B-2-307; Jenkins v. Percival, 962 P.2d 796 (Utah 1998); but see Utah Code Ann. § 78B-2-304(2) (wrongful death). Property damage, 3 years. Utah Code Ann. § 78B-2-305; but see Utah Code Ann. § 78B-2-307(3) (personal property damage to motor vehicle or personal property from an accident involving a motor vehicle, 4 years); see also Utah Code Ann. § 78B-2-305(2)(b) (personal property damage to motor vehicle or personal property from an accident involving a motor vehicle, including an accident involving a motor vehicle and a bicycle, 4 years)

**Contract:** Oral, 4 years. Utah Code Ann. § 78B-2-307. Written, 6 years. Utah Code Ann. § 78B-2-309; but see Utah Code Ann. § 31A-22-307(a) (policy or contract for personal injury protection coverage, 4 years after May 3, 2023, unless barred by 3-year statute in § 31A-21-313(a)(1) before May 3, 2023); Utah Code Ann. § 31A-21-313(1)(1) (except as provided in §§ 31A-22-305(11) and 31A-22-307(7), an action on a written policy or contract of first party insurance, 3 years).

**Medical Malpractice:** Generally, 2 years. Utah Code Ann. § 78B-3-404(1).

**Improvements to Real Property:** In contract or warranty actions, 6 years from substantial completion, unless an express contractor or warranty establishes a different period. Utah Code Ann. § 78B-2-225. All other actions, 2 years from the date of discovery. Id. If the action is discoverable before completion or abandonment, the 2-year period begins to run upon completion or abandonment. Id. Section 78B-2-225 does not apply to an action for the death or bodily injury to someone while engaged in the design, installation, or construction of an improvement. Id.

**Other State:** 1 year for liability based upon the statutes of another state. Utah Code Ann. § 78B-2-302; Christensen v. Paramount Pictures, 95 F.Supp. 446 (D. Utah 1950).

**State and Local Government:** Written notice of a claim must be filed within 1 year after the claim arises. Utah Code Ann. § 63G-7-402. The government unit has 60 days in which to approve or deny claim; if unit does not act, the claim is deemed denied. Utah Code Ann. § 63G-7-403. An action must be filed within 1 year of the denial. Utah Code Ann. §§ 63G-7-403, 78B-2-303. 2-year limitation. Utah Code Ann. § 78B-2-304.

**Statutes of Repose**

**Improvements to Real Property:** In contract or warranty actions, 6 years from substantial completion, unless an express contract or warrant establishes a different period. Utah Code Ann. § 78B-2-225. All other actions: 9 years from substantial completion. Id. If discovered in the 8<sup>th</sup> or 9<sup>th</sup> year, then 2 additional years. Id. Section 78B-2-225 does not apply to an action for the death or bodily injury to someone while engaged in the design, installation, or construction of an improvement. Id.

**Medical Malpractice:** Generally, 4 years. Utah Code Ann. § 78B-3-404(1).

== [VERMONT](#)

**Statutes of Limitation**

**Tort:** Personal injury/personal property damage: 3 years. 12 Vt. Stat. Ann. § 512; but see 14 Vt. Stat. Ann. § 1492 (2 years - wrongful death). Damage to real property: 6 years. 12 Vt. Stat. Ann. § 511.

**Contract:** 6 years. 12 Vt. Stat. Ann. § 511.

**Medical Malpractice:** 3 years of the date of the incident or 2 years from the date the injury is or reasonably should have been discovered, whichever occurs later, but not later than 7 years from the date of the incident. For foreign objects left in patient which are not discovered within the foregoing period, 2 years from date of the discovery. 12 Vt. Stat. Ann. § 521.

**State Government:** No special statute of limitation set forth in the Tort Claims Act, 12 Vt. Stat. Ann. § 5601, *et seq.*, although subrogation actions are generally prohibited. For small claims against the state, not exceeding \$2000, a grievance must first be filed with state agency. If after 90 days the state agency has not responded, the grievance claim is deemed granted. A claim must be filed with small claims court within 18 months. 32 Vt. Stat. Ann. § 932.

**Local Government:** General statutes of limitation apply; municipal governmental immunity largely a creation of common law. Morway v. Trombly, 789 A.2d 965 (Vt. 2001).

**Statutes of Repose**

None for products liability or improvements to real property.

Breach of warranty claims governed by Vermont's Common Interest Ownership Act shall be commenced within 6 years of when the cause of action accrues, but the parties may agree to reduce the period to not less than 2 years. 27A Vt. Stat. § 4-116(a); see 27A Vt. Stat. §§ 4-116(b) (c) and (d) (discussing accrual).

== [VIRGINIA](#)

**Statutes of Limitation**

**Tort:** Personal injury: 2 years. Property damage: 5 years. Va. Code Ann. § 8.01-243; see also Va. Code Ann. § 8.01-246 (§ 8.01-243 applies to products liability actions governed by U.C.C. § 8.2-725, except for damage to the product); but see Va. Code Ann. § 8.01-242(D2) (sexual abuse).

**Medical Malpractice:** In case of a foreign object left within patient, the 2-year limitation period for personal injuries is extended for a period of 1 year from discovery or the date the object should have been discovered. If fraud, concealment or intentional misrepresentation prevented discovery of the injury within the 2-year period, the limitation period is extended for 1 year from the date the injury is discovered or should have been discovered. Extensions may not exceed 10 years from the date the cause of action accrued. Va. Code Ann. § 8.01-243.

**Contract:** Written: 5 years. Oral: 3 years. Va. Code Ann. § 8.01-246.

**State Government:** Tort: Written notice to the Director of Div. of Risk Mgmt. or Attorney General, or to the chairman of the commission of the transportation district, if applicable, within 1 year of accrual. Va. Code Ann. § 8.01-195.6. Suit may be filed upon the denial of the claim or 6 months after the filing of the notice, but not later than 18 months from the filing of the notice. Va. Code Ann. § 8.01-195.7. Contract: A claim must be presented in writing to the comptroller or other authorized person no later than 5 years after the right to the claim arises. Suit must be filed within 3 years after the claim is disallowed in whole or in part. Va. Code Ann. § 8.01-255.

**Local Government:** Written notice of tort claim to unit's attorney or chief executive within 6 months. Va. Code Ann. § 15.2-209.

**Statutes of Repose**

**Improvements to Real Property:** 5 years after performance. Va. Code Ann. § 8.01-250. Statutory warranty actions related to condominiums, 5 years after the date the warranty began or one year after the formation of any warranty review committee, whichever occurs last. Va. Code Ann. § 55.1-1955. Implied warranties in new homes, within 2 years after the breach. Va. Code Ann. § 55.1-357.

== [WASHINGTON](#)

**Statutes of Limitation**

**Tort:** Personal injury and property damage, 3 years. Wash. Rev. Code § 4.16.080. Intentional torts, including assault and battery, 2 years. Wash. Rev. Code § 4.16.100.

**Contract:** Oral, 3 years. Wash. Rev. Code § 4.16.080. Written, 6 years. Wash. Rev. Code § 4.16.040.

**Medical Malpractice:** 3 years, or 1 year from discovery, whichever is later. Wash. Rev. Code § 4.16.350

**Products:** 3 years from discovery of the harm, or from when the harm should have been discovered. Wash. Rev. Code § 7.72.060.

**Improvements to Real Property:** Written notice of construction defects must be given to construction professionals 45 days before filing of suit. If the construction professional denies the claim within 21 days, the claimant may file suit. A professional's failure to respond is deemed a denial. Wash. Rev. Code § 64.50.020.

**State and Local Government:** Written notice of claim must be filed 60 days before filing suit. The limitation period is tolled during the 60-day period. Wash. Rev. Code §§ 4.92.110, 4.96.020. Limitations periods governing personal actions apply to actions against the state. Wash. Rev. Code § 4.92.050. For actions against local governments, the Revised Code does not provide for a separate limitation period.

**Statutes of Repose**

**Products:** 12 years from delivery. A claimant may recover beyond 12 years by establishing by a preponderance of evidence that the product was still within its useful safe life. Wash. Rev. Code § 7.72.060.

**Improvements to Real Property:** 6 years from substantial completion or the termination of services, whichever is later. Wash. Rev. Code §§ 4.16.310; 4.16.326(g).

== [WEST VIRGINIA](#)

**Statutes of Limitation**

**Tort:** Personal injury or property damage: 2 years. W. Va. Code § 55-2-12.

**Contract:** If written and signed by the defendant: 10 years. If written but unsigned or oral: 5 years. W. Va. Code § 55-2-6.

**Medical Malpractice:** 2 years from the date of injury, or 2 years from discovery of the injury or the date the injury should have been discovered. W. Va. Code § 55-7B-4. Claims against nursing homes, 1 year from date of injury. W. Va. Code § 55-7B-4(b). At least 30 days before filing an action, written notice, containing an expert's certificate of merit, must be given to the defendant. W. Va. Code § 55-7B-6.

**State Government:** Written notice must be filed with the clerk of the Court of Claims within the limitation period applicable to similar claims against private parties. W. Va. Code § 14-2-21.



## WEST VIRGINIA (continued)

**Local Government:** Against any political subdivision, 2 years from the date of injury or from the date the injury was discovered or should have been discovered. W. Va. Code § 29-12A-6(a). (Note: § 29-12A-6(b), on minors' claims, was held unconstitutional in Whitlow v. Board of Educ., 438 S.E.2d 15 (W.Va. 1993)).

### Statutes of Repose

**Improvements to Real Property:** 10 years after occupation or acceptance by owner. W. Va. Code § 55-2-6a.

**Medical malpractice:** 10 years after the date of the medical injury. W. Va. Code § 55-7B-4(a). Claims against nursing homes. W. Va. Code § 55-7B-4(b).

## ■ WISCONSIN

### Statutes of Limitation

**Tort:** Personal injury, 3 years. Wis. Stat. Ann. § 893.54. Wrongful death action arising from a motor vehicle accident, 2 years. Id. Property damage, 6 years for property damage, but 3 years for damage arising from a motor vehicle accident. Wis. Stat. Ann. § 893.52. Home Inspections, 2 years, which cannot be reduced by agreement. Wis. Stat. Ann. § 440.977.

**Contract:** 6 years. Wis. Stat. Ann. 893.43. For sale of goods, 6 years. Wis. Stat. Ann. § 402.725. Home Inspections, 2 years, which cannot be reduced by agreement. Wis. Stat. Ann. § 440.977.

**Medical Malpractice:** 3 years from injury or 1 year from discovery, whichever is later. Foreign objects, 1 year from discovery. Wis. Stat. Ann. § 893.55.

**Other State:** For causes of action arising in another state, the other state's statute or Wisconsin's applies, whichever is shorter. Wis. Stat. Ann. § 893.07.

**State and Local Government:** Written notice within 120 days of the event. The government unit is to send a notice of disallowance within 120 days after presentation. Failure to respond is deemed a disallowance. Suit must be filed within 6 months of service of the notice of disallowance. For the negligent inspection of any property, premises, place of employment or construction site, for the violation of any statute, rule, ordinance or health and safety code, 1-year limitation from discovery of the act or omission. Wis. Stat. Ann. § 893.80.

### Statutes of Repose

**Products:** Strict liability actions – 15 years from the date of manufacture, unless the manufacturer specifically represents that the product will last longer. Wis. Stat. § 895.047 (stating that the section does not apply to claims based on negligence or breach of warranty). The 15-year period does not apply to actions based on a claim for damages caused by a latent disease. Id. In cases where the plaintiff cannot identify the manufacturer, distributor, seller, or promoter of the specific product alleged to have caused the plaintiff's injury, 25 years after the defendant last manufactured, distributed, sold, or promoted the specific product chemically identical to the specific product that allegedly caused the plaintiff's injury and the date the cause of action accrued. Wis. Stat. § 895.046.

**Improvements to Real Property:** 7 years from substantial completion. For damage occurring in the 5th through 7th year, the period is extended 3 years from occurrence. Fraud, misrepresentation, and owners/occupiers in control of the premises on the date of loss excepted. Wis. Stat. Ann. § 893.89.

**Home Inspections:** 2 years. Wis. Stat. Ann. § 440.97.

**Medical Malpractice:** 5 years from act or omission. Wis. Stat. Ann. § 893.55.

## ■ WYOMING

### Statutes of Limitation

**Tort:** Personal injury and property damage, 4 years. Wyo. Stat. § 1-3-105. Wrongful death, 2 years. Wyo. Stat. § 1-38-102.

**Contract:** Written, 10 years. Oral, 8 years. Wyo. Stat. § 1-3-105.

**Medical Malpractice:** 2 years of act/omission or 2 years of discovery, whichever is greater. Wyo. Stat. § 1-3-107.

**Other State:** If the state or country where the cause of action arose bars the action, it is also barred in Wyoming. Wyo. Stat. § 1-3-117.

**State and Local Government:** Written notice must be filed within 2 years of the act or omission. Wyo. Stat. § 1-39-113. 1-year limitation after claim is filed, but not to exceed any other applicable statute of limitation. In the absence of applicable insurance coverage, if the claim was properly filed, the statute is tolled 45 days after a decision by the governmental entity, if the decision was not made and mailed to the claimant within the applicable statutory time limitation. Wyo. Stat. § 1-39-114.

### Statutes of Repose

**Improvements to Real Property:** 10 years from substantial completion. If the injury occurs during the 9<sup>th</sup> year, an action may be brought within 1 year after the date of injury. Wyo. Stat. § 1-3-111. A person in possession or control of property at time of injury is excluded. Wyo. Stat. § 1-3-112.

#### **Monday through Friday**

8:30am - 5:00pm: (215) 864-6322

#### **After Hours Contacts:**

(If no response in 15 minutes, go to next number on list)

**Edward A. Jaeger, Jr.** - (484) 432-5519 (cell)

**Christopher Konzelmann** - (609) 560-5153 (cell)

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