

Statutes of Limitations and Repose for Construction – Related Claims

Thursday, August 20, 2026

A statute of repose is a limitation on a party's right to pursue a legal action after a specified time period has elapsed, regardless of when that party's injuries or damages actually accrue (i.e. when the cause of action is discovered). In the construction context, the statute typically begins to run from the date of substantial completion of the construction or improvement. Effectively, these statutes provide limitations on claims for construction defects and are intended to provide certainty as to exposure for construction related lawsuits. However, these statutes vary widely from state to state with regard to the limitation periods, what is covered by the statute, and whom the statute protects.

A statute of repose is different from a statute of limitation because the time limitation begins to run from the date of substantial completion of the construction or improvement, whereas statute of limitation typically does not begin to run until the injury or damage actually occurs (irrespective of when the work was performed).

This survey is intended to provide an explanation of the statutes of limitation and repose in each state.

For statutes of limitation, we have identified the applicable time limitation for claims of personal injury and property damages. For statutes of repose, our chart identifies the following:

- (1) The limitations period specified in the statute, which can range from 4 years to 15 years depending on the state, and
- (2) Whether the statute provides an extension of the limitations period, if the condition giving rise to the claim is discovered in the final year (or final two years) of the statutory time limit.

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STATE	POLICYHOLDER IMPACT		Statute of Repose			
	Personal Injury	Property Damage	Statute	Time Limit	Extension	Summary
 Alabama	2 years Ala. Code § 6-2-38(l)	2 years Ala. Code § 6-2-38(l)	Ala. Code § 6-2-221	7 years	N/A	An action must be brought within 2 years of the cause of action accruing or arising and no more than 7 years after the substantial completion of construction of the improvement to the real property. However, the 7 year period does not apply, where prior to the expiration of such 7 year period, the architect, engineer, or builder had actual knowledge that such defect or deficiency exists and failed to disclose such defect or deficiency to the person with whom the architect, engineer, or builder contracted to perform such service.
 Alaska	2 years Alaska Stat. § 09.10.070	2 years Alaska Stat. § 09.10.070	Alaska Stat. § 09.10.055, et. seq	10 years	N/A	A claim for personal injury, death, or property damage must be brought within 10 years of the earlier of substantial completion or the last act alleged to have caused the injury. This ten year limitation does not apply to claims of gross negligence. Note that there are also notice requirements on construction projects. Notice must be given within 1 year after the claimant discovers the defect, but that can occur within the 10 year limitation.
 Arizona	2 years Ariz. Rev. Stat. § 12-542	2 years Ariz. Rev. Stat. § 12-542	Ariz. Rev. Stat. § 12-552	8 years	1 year	An action may be brought up to 8 years after substantial completion of improvement. If injury occurred during, or latent defect was not discovered until, 8th year after substantial completion, the action may be brought within 1 year after injury occurred or latent defect was discovered, but cannot be brought more than 9 years after substantial completion. This statute does not apply to personal injury or wrongful death.
 Arkansas	3 years Ark. Code. § 16-56-105	3 years Ark. Code. § 16-56-105	Property Damage: Ark. Code § 16-56-112	5 years	N/A	An action seeking damages for property damage may be brought up to 5 years after substantial completion of improvement.
			Personal Injury: Ark. Code Ann. § 16-56-112	4 years	1 year	An action seeking damages for personal injury and wrongful death caused by any deficiency in the design, planning, supervision, or observation of construction or the construction and repairing of any improvement to real property shall be brought against any person performing or furnishing the design, planning, supervision, or observation of construction or the construction and repair of the improvement more than four (4) years after substantial completion of the improvement. If injury occurred during 3rd year after substantial completion, the action may be brought within 1 year after injury occurred, irrespective of date of death, but no more than 5 years after substantial completion.
 California	2 years Cal. Code Civ. Proc. Code § 335.1	3 years Cal. Code Civ. Proc. § 338(c)(1)	Patent Defects: Cal. Code Civ. Proc. § 337.1	4 years	1 year	For injury to property, personal injury, or wrongful death arising out of patent defects, an action must be brought within 4 years of substantial completion. If injury occurs during 4th year, the action may be brought within 1 year after date of injury, but in no event may such an action be brought more than 5 years after substantial completion.
			Latent Defects: Cal. Code Civ. Proc. § 337.15	10 years	N/A	Latent defects actions must be brought within 10 years of substantial completion of improvement. This does not apply to actions based on willful misconduct or fraudulent concealment. This does not apply to limit causes of actions for personal injury or wrongful death caused by latent defects.
 Colorado	2 years Colo. Rev. Stat. § 13-80-102	2 years Colo. Rev. Stat. § 13-80-102	Colo. Rev. Stat. § 13- 80-104	6 years	2 years	In no event can the action be brought more than 6 years after substantial completion of improvement, but if the cause of action arises during 5th or 6th year after substantial completion, it shall be brought within 2 years after the date the cause of action arises.
 Connecticut	3 years Conn. Gen. Stat. § 52-584	3 years Conn. Gen. Stat. § 52-584	Conn. Gen. Stat. § 52-584a	7 years	1 year	The statute applies only to architects, professional engineers and land surveyors. An action may be brought up to 7 years after substantial completion of improvement. If injury occurs during 7th year after substantial completion, action may be brought within 1 year of date of injury, but no more than 8 years after substantial completion. <i>Note:</i> In a 2012 decision the Connecticut Supreme Court held that the statute of limitations and repose do not apply to actions brought by the state. <i>State of Connecticut v. Lombardo Brothers Mason Contractors, Inc.</i> , 307 Conn. 412 (2014)

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 Delaware	2 years Del. Code tit. 10 § 8119	2 years Del. Code tit. 10 § 8107	Del. Code tit. 10, § 8127(b)	6 years	N/A	An action may be brought 6 years from the earliest of various dates set forth in statute (e.g., date of substantial completion).
 District of Columbia	3 years D.C. Code § 12-301	3 years D.C. Code § 12-301	D.C. Code Ann. § 12-310	10 years	N/A	Actions for personal injury, property damage, or wrongful death caused by defective improvements to real property must be brought within 10 years after substantial completion.
 Florida	2 years Fla. Stat. § 95.11(4)(a)	4 years Fla. Stat. § 95.11(3)(g)	4 years Fla. Stat. § 95.11(3)(b)	7 years	1 year	In cases of latent defects, an action must be commenced within 7 years of earliest of various listed dates (e.g., date of temporary CO). If an action is brought in the 7th year after issuance of temporary CO, a compulsory counterclaim, cross-claim, or third-party claim that arises from the same conduct or occurrence may be brought within 1 year of service of the original pleading. The statute of limitations/repose trigger for condominium association or cooperative association does not begin to run until the unit owners have elected a majority of the members of the board of administration. See Fla. Stat. § 718.124.
 Georgia	2 years Ga. Code § 9-3-33	4 years Ga. Code § 9-3-30	Ga. Code § 9-3-51	8 years	2 years	An action must be brought within 8 years of substantial completion to recover damages for personal injury, property damage, or wrongful death. If injury occurs in the 7th or 8th year, an action in tort to recover damages for personal injury or wrongful death may be brought within 2 years, but in no event may an action be brought more than 10 years after substantial completion.
 Hawaii	2 years Haw. Rev. Stat. § 657-7	2 years Haw. Rev. Stat. § 657-7	Haw. Rev. Stat. § 657-8	10 years	N/A	No action to recover damages for any injury to property, real or personal, or for bodily injury or wrongful death, arising out of any deficiency or neglect in the planning, design, construction, supervision and administering of construction, and observation of construction relating to an improvement to real property shall be commenced more than two years after the cause of action has accrued, but in any event not more than ten years after the date of completion of the improvement.
			Idaho Code § 5-241	6 years	N/A	Actions will be deemed to have accrued and the statute of limitations shall begin to run as to actions against any person who performed or finished the design, planning, supervision or construction of an improvement to real property, as follows: a. Tort actions, if not previously accrued, shall accrue and the applicable statute of limitations shall begin to run six (6) years after the final completion of the construction of such an improvement. b. Contract actions shall accrue and the applicable statute of limitations shall begin to run at the time of final completion of construction of such an improvement.
 Idaho	2 years Idaho Code § 5-219(4)	3 years Idaho Code § 5-218(2),(3)	Idaho Code § 5-241	6 years	N/A	Actions will be deemed to have accrued and the statute of limitations shall begin to run as to actions against any person who performed or finished the design, planning, supervision or construction of an improvement to real property, as follows: a. Tort actions, if not previously accrued, shall accrue and the applicable statute of limitations shall begin to run six (6) years after the final completion of the construction of such an improvement. b. Contract actions shall accrue and the applicable statute of limitations shall begin to run at the time of final completion of construction of such an improvement.
 Illinois	2 years 735 Ill. Comp. Stat. § 5/13-202	5 years 735 Ill. Comp. Stat. § 5/13-205	735 Ill. Comp. Stat. § 5/13-214	10 years	4 years	No action may be brought after 10 years from the time of such act or omission, but if act or omission is discovered prior to the expiration of 10 years, the plaintiff shall have 4 years to bring his action.

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	Personal Injury	Property Damage	Statute	Time Limit	Extension	Summary
 Indiana	2 years Ind. Code § 34-11-2-4	6 years Ind. Code § 34-11-2-7	Property Damage: Ind. Code § 32-30-1-5	10 years	2 years	Claims may be brought within 10 years after substantial completion or 12 years after the completion and submission of plans and specifications to the owner if the action is for a deficiency in the design of the improvement.
			Injury or Wrongful Death: Ind. Code § 32-30-1-6	12 years	2 years	Claims may be brought within 12 years after substantial completion or 14 years after the completion and submission of plans and specifications to the owner if the action is for a deficiency in the design of the improvement.
 Iowa	2 years Iowa Code § 614.1(2)	5 years Iowa Code § 614.1(4)	Iowa Code § 614.1(11)	10 years if residential, 15 years if nuclear power plant or interstate pipeline licensed by the Federal Government, 8 years of all others	1 year	An action arising out of the unsafe or defective condition of improvement based on tort, implied warranty, and for contribution and indemnity, and based on injury to property, personal injury or wrongful death, may not be brought more than 10 years after residential construction and 8 years for any other kind of improvement to real property. The statute does have an exception for "intentional misconduct" or "fraudulent concealment" that allows claims to be made within 15 years of the act or omission that caused the injury or death.
 Kansas	2 years Kan. Stat. Ann. § 60-513	2 years Kan. Stat. Ann. § 60-513 3 years Kan. Stat. Ann. § 60-512 (all actions upon contracts, obligations or liabilities)	Kan. Stat. Ann. § 60-513(b)	10 years	N/A	The action must be commenced within 10 years of the act giving rise to the cause of action.
 Kentucky	1 year Ky. Rev. Stat. Ann. § 413.140(1)(a)	5 years Ky. Rev. Stat. Ann. § 413.120(13)	Ky. Rev. Stat. Ann. § 413.135	7 years	1 year	An action to recover damages arising out of any deficiency in construction components, design, planning, supervision, inspection, or construction of any improvement to real property, or for any injury to personal or real property, must be brought within seven years following substantial completion. If the damage to property occurs in the 7th year following substantial completion, then an action may be brought within one year from the date upon which the injury occurred, but in no event more than eight years following substantial completion.
 Louisiana	2 year La. Civ. Code Ann. Art. § 3493.11	2 year La. Civ. Code Ann. Art. § 3493.12	La. Civ. Code Ann. Art. § 9:2772	5 years	1 year	An action in contract, tort, or otherwise must be brought within 5 years after the date of registry in mortgage office of acceptance of work by owner or, if acceptance is not recorded within 6 months of occupation/possession, 5 years after improvement is so occupied. La. Civ. Code Ann. Art. § 9:2772(A). If injury occurs during the 5th year, an action may be brought within 1 year after date of injury, but no more than 6 years after date set forth in section A. La. Civ. Code Ann. Art. § 9:2772(C). However, an action against a contractor or an architect on account of defects of construction, renovation or repair of building and other works is subject to a liberative prescription of 10 years. La. Civ. Code Ann. Art. 3500. It is the equivalent of a statute of limitations. Parties can contract to shorten the time period.
 Maine	6 years 14 M.R.S.A. § 752	6 years 14 M.R.S.A. § 752	14 M.R.S.A. § 752	6 years	N/A	All civil actions for malpractice or professional negligence against architects or engineers duly licensed or registered under Title 32 shall be commenced within 4 years after such malpractice or negligence is discovered, but in no event shall any such action be commenced more than 10 years after the substantial completion of the construction contractor the substantial completion of these services provided, if a construction contract is not involved. The limitation periods provided by this section shall not apply if the parties have entered into a valid contract which by its terms provides for limitation periods other than those set forth in this section. (14 M.R.S.A. § 752-A)

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 Maryland	3 years Md. Code Ann. Cts., & Jud. Proc. § 5-101	3 years Md. Code Ann. Cts., & Jud. Proc. § 5-101	Where defendant is architect, professional engineer or contractor: Md. Code Ann., Cts. & Jud. Proc. § 5-108	10 years	N/A	If the defendant is an architect, professional engineer, or contractor, the action may not be brought if the injury occurs more than 10 years after the entire improvement became available.
			All other cases: Md. Code Ann., Cts., & Jud. Proc. § 5-108	20 years	N/A	In all other cases, action may not be brought more than 20 years after entire improvement became available.
 Massachusetts	3 years Mass. Gen. Laws ch. 260 §§ 2A and 4	3 years Mass. Gen. Laws ch. 260, § 2A	Mass. Gen. Laws ch. 260, § 2B	6 years	N/A	Generally, an action must be brought no more than 6 years after earlier of opening of improvement to use or substantial completion of improvement and owner's taking of possession for occupancy. However, if the cause of action is based on contractual dispute rather than tort liability, the action would be governed by Massachusetts' 6-year statute of limitations for contract actions instead. Plaintiffs bringing claims based on contract, such as for breach of indemnification obligations, would have six years from the date they tender to the builder to sue to enforce that tender. The time limit for a plaintiff to tender to a builder is determined based on the terms of the applicable contract between them. <i>Trs. of Bos. Univ. v. Clough, Harbour & Assocs. LLP</i> , 495 Mass. 682 (2025).
 Michigan	3 years Mich. Comp. Laws § 600.5805(2)	3 years Mich. Comp. Laws § 600.5805(2)	Mich. Comp. Laws § 600.5839	6 years	1 year	No action may be brought unless it is within 6 years after the time of occupancy of the completed improvement, use, or acceptance of the improvement. But, if the defect constitutes the proximate cause of the injury or damage for which the action is brought and is the result of gross negligence on the part of the contractor or licensed architect or professional engineer, 1 year after the defect is discovered or should have been discovered. However, an action to which this subdivision applies shall not be maintained more than 10 years after the time of occupancy of the completed improvement, use, or acceptance of the improvement.
 Minnesota	Intentional Acts: 2 years Minn. Stat. Ann. § 541.07 Wrongful Death: 6 or 3 years Minn. Stat. Ann. § 573.02	6 years Minn. Stat. Ann. § 541.05(1)(4)	Minn. Stat. Ann. § 541.051	10 years	2 years	An action must be brought no more than 10 years after substantial completion of construction. If action accrues during 9th or 10th year after substantial completion, action may be brought up to 2 years after accrual, but no more than 12 years after substantial completion.
 Mississippi	3 years Miss. Code Ann. § 15-1-49	3 years Miss. Code Ann. § 15-1-49	Miss. Code Ann. § 15-1-41	6 years	N/A	No action may be brought more than 6 years after owner's written acceptance, actual occupancy, or use of improvement, whichever occurs first. The statute does not apply to wrongful death.
 Missouri	5 years Mo. Rev. Stat. § 516.120(4) Wrongful Death: 3 years Mo. Rev. Stat. § 537.100	5 years Mo. Rev. Stat. § 516.120(4)	Mo. Rev. Stat. § 516.097	10 years	N/A	An action may be brought up to 10 years from the completion of improvement. The statute is only applicable to persons whose sole connection with the improvement is performing or furnishing, in whole or in part, the design, planning or construction of the improvement.
 Montana	3 years Mont. Code Ann. § 27-2-204(1),(2)	2 years Mont. Code Ann. § 27-2-207	Mont. Code Ann. § 27-2-208	10 years	1 year	An action may be brought up to 10 years from the completion of improvement. If injury occurs during the 10th year after completion of improvement, the action may be brought within 1 year of injury.

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	Personal Injury	Property Damage	Statute	Time Limit	Extension	Summary
 Nebraska	4 years Neb. Rev. Stat. § 25-207 Wrongful Death: 2 years Neb. Rev. Stat. §§ 30-809 and 30-810	4 years Neb. Rev. Stat. § 25-207	Neb. Rev. Stat. § 25-223	10 years	N/A	If a cause of action is not, and could not be, discovered within the 4 year statute of limitation, or within 1 year before the end of the 4 year period, then the action may be commenced within 2 years of discovery or from the date of discovery of facts which should reasonably lead to discovery, but in any event no more than 10 years from the act giving rise to the action.
 Nevada	2 years Nev. Rev. Stat. § 11.190	3 years Nev. Rev. Stat. § 11.190(3)(c)	Nev. Rev. Stat. § 11.202	10 years	N/A	Except as otherwise provided in this subsection, an action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property at any time after the substantial completion of such an improvement, for the recovery of damages for any act of fraud in causing a deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement. The provisions of this subsection do not apply to any lower-tiered subcontractor who performs work that covers up a defect or deficiency in another contractor's trade if the lower-tiered subcontractor does not know, and should not reasonably know, of the existence of the alleged defect or deficiency at the time of performing such work.
 New Hampshire	3 years N.H. Rev. Stat. Ann. § 508:4(l)	3 years N.H. Rev. Stat. Ann. § 508:4(l)	N.H. Rev. Stat. Ann. § 508:4-b.	8 years	N/A	An action to recover damages for property damage, personal injury, wrongful death or economic loss must be brought within 8 years from the date of substantial completion of improvement.
 New Jersey	2 years N.J. Stat. Ann. § 2A:14-2	6 years N.J. Stat. Ann. § 2A:14-1	N.J. Stat. Ann. § 2A:14-1.1	10 years	N/A	If a cause of action is not, and could not be, discovered within the 4 year statute of limitation, or within 1 year before the end of the 4 year period, then the action may be commenced within 2 years of discovery or from the date of discovery of facts which should reasonably lead to discovery, but in any event no more than 10 years from the act giving rise to the action.
 New Mexico	3 years N.M. Stat. Ann. § 37-1-8	4 years N.M. Stat. Ann. § 37-1-4	N.M. Stat. Ann. § 37-1-27	10 years	N/A	An action to recover damages for property damage, personal injury, or wrongful death arising out of the deficiency may be brought up to 10 years from the date of substantial completion.
 New York	3 years N.Y. C.P.L.R. § 214, et seq. Wrongful Death: 2 years N.Y. Est. Powers & Trusts Law § 5-4.1	3 years N.Y. C.P.L.R. § 214, et seq.	N/A	N/A	N/A	There is no statute of repose in New York for construction claims. A cause of action based on a theory of simple negligence and brought by a third party (i.e., not the owner of a building) against a design professional or construction contractor is governed by a 3-year statute of limitations, and the cause of action does not accrue until the injury occurs. See <i>Cubito v. Kreisberg</i> , 419 N.Y.S.2d 578 (N.Y. App. Div. 1979), aff'd 415 N.E.2d 979 (N.Y. 1980), citing N.Y. C.P.L.R. § 214. There is an additional notice requirement for claims against design professionals (including construction managers that have a design component in their contract) arising out of injuries that occur more than 10 years after the completion of construction. See <i>N.Y.C.P.L.R. § 214-d</i> . Although there is an expedited procedure for claims brought more than 10 years after the completion of the design professional's or contractor's work, contractors/design professionals remain answerable to negligence claims commenced indefinitely after project completion. Note, however, that an owner's cause of action accrues against a builder upon completion of construction. <i>City Sch. Dist. v. Hugh Stubbins & Assocs., Inc.</i> , 650 N.E.2d 399 (N.Y. 1995).
 North Carolina	3 years N.C. Gen. Stat. § 1-52(1)-(5) Wrongful Death: 2 years N.C. Gen. Stat. § 1-53(4)	3 years N.C. Gen. Stat. § 1-52(16)	N.C. Gen. Stat. § 1-50(a)(5)	6 years	N/A	No action to recover damages arising out of defective condition of improvement to property shall be brought more than 6 years from the later of the last act or omission giving rise to cause of action or substantial completion of improvement.

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	Personal Injury	Property Damage	Statute	Time Limit	Extension	Summary
 North Dakota	6 years N.D. Cent. Code § 28-01-16(5) Wrongful Death: 2 years N.D. Cent. Code § 28-01-18(4)	6 years N.D. Cent. Code § 28-01-16	N.D. Cent. Code § 28-01-44	10 years	2 years	No action to recover damages for any deficiency, property damage, personal injury or wrongful death may be brought more than 10 years after substantial completion of improvement. If injury occurs in the 10th year after substantial completion, an action in tort to recover damages for such injury may be brought within 2 years, but in no event may such action be brought more than 12 years after substantial completion.
 Ohio	2 years Ohio Rev. Code Ann. § 2305.10(A)	4 years Ohio Rev. Code Ann. § 2305.09	Ohio Rev. Code Ann. § 2305.131	10 years	2 years	No action to recover damages for bodily injury, injury to property, or wrongful death that arises out of a deficiency in an improvement shall accrue against a person who performed services for the improvement or who furnished the designs, plans, etc. later than 10 years from substantial completion. If the defective condition is discovered during the 10 year period but less than 2 years prior to the expiration of that period an action may be brought within 2 years from the date of discovery.
 Oklahoma	2 years Okla. Stat. Tit. 12, § 95	2 years Okla. Stat. tit. 12, § 95(3)	Okla. Stat. tit. 12, § 109; Okla. Stat. tit. 12, § 110	10 years	N/A	No action to recover damages: (i) for any deficiency in design, planning, supervision or observation of construction or construction of an improvement to real property, (ii) for injury to property, real or personal, arising out of any such deficiency, or (iii) for injury to the person or for wrongful death arising out of any such deficiency, shall be brought against any person owning, leasing, or in possession of such an improvement or performing or furnishing the design, planning, supervision or observation of construction or construction of such an improvement more than 10 years after substantial completion. Nevertheless, if the injury to property or the person or such an injury causing wrongful death occurring during the 5th year after substantial completion, a tort action may be brought within 2 years after the date on which the injury occurred, but no more than 7 years after substantial completion. The statute does not protect manufacturers of "prefabricated" products produced in mass quantities. See <i>Ball v. Harnischfeger Corp.</i> , 877 P.2d 45 (Okla. 1994).
 Oregon	2 years Or. Rev. Stat. § 12.110(1) Wrongful Death: 3 years Or. Rev. Stat. § 30.020(1)	6 years Or. Rev. Stat. § 12.080	For private parties on small commercial, residential, or home owners associations: Or. Rev. Stat. § 12.135	10 years	N/A	An action against a person by a plaintiff who is not a public body arising from the performance of construction alteration or repair of any improvement on small commercial structures, residential structures or larger commercial structures owned/maintained by a homeowners association or unit owners must be commenced no later than 10 years after substantial completion or abandonment.
			For private parties on large commercial structures: Or. Rev. Stat. § 12.135	6 years	N/A	An action against a person by a plaintiff who is not a public body arising from large commercial structures must be commenced no later than 6 years after substantial completion or abandonment.
			For public entities: Or. Rev. Stat. § 12.13	10 years	N/A	Any action by a public body for any form of structure must be commenced no later than 10 years after substantial completion or abandonment.
 Pennsylvania	2 years 42 Pa. Cons. Stat. § 5524	2 years 42 Pa. Cons. Stat. § 5524	42 Pa. Cons. Stat. § 5536	12 years	2 years	An action arising out of deficiencies in an improvement must be brought within 12 years of completion. If injury occurred between the 10th and 12th years after completion of improvement, the action may be commenced within the time otherwise limited by statute, but not later than 14 years after completion of construction.

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	Personal Injury	Property Damage	Statute	Time Limit	Extension	Summary
 Rhode Island	3 years R.I. Gen. Laws. § 9-1-14 (b)	10 years R.I. Gen. Laws § 9-1-13	R.I. Gen. Laws § 9-1-29	10 years	N/A	An action in tort against an architect or professional engineer who planned, designed, or supervised improvements or any contractor who constructed improvements or suppliers who furnished materials for the construction of improvements to recover for property damage, personal injury or wrongful death may be brought more than 10 years after substantial completion.
 South Carolina	3 years S.C. Code Ann. §§ 15-3-530, 15-3-535	3 years S.C. Code Ann. § 15-3-530	S.C. Code Ann. § 15-3-640	8 years	N/A	No action to recover damages based on the defective condition of an improvement may be brought more than 8 years from substantial completion. The limitations provided by the statute are unavailable as a defense in instances of "fraud, gross negligence or recklessness." S.C. Code § 15-3-670 (A). Evidence of a building code violation may support allegations of fraud, gross negligence, or recklessness pursuant to subsection (A), but is insufficient on its own to overcome the statute of repose limitations. S.C. Code § 15-3-670 (B).
 South Dakota	3 years S.D. Codified Laws § 15-2-14(3)	6 years S.D. Codified Laws § 15-2-13	S.D. Codified Laws § 15-2A3, § 15-2A-5	10 years	1 year	No action may be brought to recover damages for injury to property, personal injury, or wrongful death arising out of a deficiency in improvement more than 10 years after substantial completion of improvement. If injury occurs during the 10th year after substantial completion, an action may be brought within 1 year after injury, but in any event cannot be brought more than 11 years after substantial completion.
 Tennessee	1 year Tenn. Code Ann. § 28-3-104	3 years Tenn. Code Ann. § 28-3-105	Tenn. Code Ann. § 28-3-202, § 28-3-203	4 years	1 year	An action to recover damages for any deficiency in an improvement shall be brought within 4 years of substantial completion. If injury occurred during 4th year after substantial completion, an action shall be brought within 1 year after injury, but in any event the action must be brought within 5 years after substantial completion.
 Texas	2 years Tex. Civ. Prac. & Rem. Code Ann. § 16.003	2 years Tex. Civ. Prac. & Rem. Code Ann. § 16.003	For private parties: Tex. Civ. Prac. & Rem. Code Ann. § 16.009	10 years	2 years	In an action against a person by a plaintiff who is not a government entity, action for damages against a person who constructs/repairs an improvement (§ 16.009) or architects, engineers, interior designers, and landscape architects (§ 16.008) must be brought within 10 years of substantial completion. If the claimant presents a written claim for damages during the 10-year period, the period is extended for 2 years from date of claim. If injury occurs during the 10th year, the claimant may bring suit up to 2 years after the day the cause of action accrues.
			For government entities : Tex. Civ. Prac. & Rem. Code Ann. § 16.008; § 16.009	8 years	1 year	If an action against a person by a plaintiff who is a government entity, action for damages against a person who constructs/repairs an improvement (§ 16.009) or architects, engineers, interior designers, and landscape architects (§ 16.008) must be brought within 8 years of substantial completion. If the claimant presents a written claim for damages during the 8 year period, the period is extended for 1 year from date of claim. If injury occurs during the 8th year, the claimant may bring suit up to 2 years after the day the cause of action accrues.
 Utah	4 years Utah Code Ann. § 78B-2-307(3) Wrongful Death: 2 years Utah Code Ann. § 78B-2-304	3 years Utah Code Ann. § 78B-2-305	Utah Code Ann. § 78B-2-225	9 years	2 years	An action against a "provider" (defined as a person who contributes to, pro- vides, etc. designs, engineering, construction, etc.) based in contractor warranty shall be commenced within 6 years of date of completion. All other actions against a provider shall be commenced within 2 years from the earlier of discovery or date when cause of action should have reasonably been discovered, but in any event no more than 9 years from completion. If the cause of action is discovered or discoverable during the 8th or 9th year, the injured party shall have 2 additional years to commence suit.
 Vermont	3 years Vt. Stat. Ann. tit. 12, § 512(4) Wrongful Death: 2 years Vt. Stat. Ann. tit. 14, § 1492	3 years Vt. Stat. Ann. tit. 12, § 512(5)	Vt. Stat. Ann. tit. 12, § 511	N/A	N/A	Vermont does not have a statute of repose specific to construction. In general, civil actions must be commenced within 6 years after the cause of action accrues. Accrual has a discovery element, and the statute begins to run when a plaintiff can first sue for their cause of action. <i>White v. White</i> , 388 A.2d 386 (Vt. 1978).

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Statutes of Limitations and Repose for Construction – Related Claims

STATE	POLICYHOLDER IMPACT		Statute of Repose			
	Personal Injury	Property Damage	Statute	Time Limit	Extension	Summary
 Virginia	2 years Va. Code Ann. § 8.01-243(A)	5 years Va. Code. Ann. § 8.01-243(B)	Va. Code Ann. § 8.01-250	5 years	N/A	No action to recover for injury to property, personal injury, or wrongful death arising out of the defective condition of improvement to property shall be brought against any person performing/furnishing the design, planning, etc. of such improvement more than 5 years after performance. The statute does not apply to the manufacturer or supplier of any equipment or machinery installed in a structure.
 Washington	Negligence Claims: 3 years Wash. Rev. Code § 4.16.080 Intentional Acts: 2 years R.C.W.A. § 4.16.100	3 years Wash. Rev. Code § 4.16.080	Wash. Rev. Code § 4.16.310	6 years	N/A	All claims shall accrue within 6 years after the later of substantial completion or termination of services.
 West Virginia	2 years W. Va. Code § 55-2-12	2 years W. Va. Code § 55-2-12	W. Va. Code § 55-2-6a	10 years	N/A	No action to recover damages arising from a deficiency may be brought more than 10 years after the performance or furnishing of construction services. The 10 year period does not begin to run until the improvement has been occupied or accepted by owner of real property, whichever occurs first.
 Wisconsin	3 years Wis. Stat. § 893.54	6 years Wis. Stat. § 893.52	Wis. Stat. § 893.89	7 years	3 years	No action may be brought after the "exposure period" of 7 years, but if the claimant sustains damages during the period between 5 and 7 years after substantial completion, the statute allows for the claim to be brought within the following three years, so long as no claim is brought after 10 years post substantial completion.
 Wyoming	4 years Wyo. Stat. Ann. § 1-3-105(a)(iv)(C) Wrongful Death: 2 years Wyo. Stat. § 1-38-102(d)	4 years Wyo. Stat. Ann. § 1-3-105	Wyo. Stat. Ann. § 1-3-111	10 years	1 year	An action may be commenced up to 10 years after substantial completion of improvement. If injury occurs in 9th year after substantial completion, the action may be brought within 1 year after injury.

Disclaimer: *This survey is current as of 08/2024. This material is made available for general informational purposes only. The field of insurance law is ever-evolving, and courts may change their views at any time. Readers are advised to verify the information contained herein independently. This material is not intended to, and does not constitute, legal advice, nor is it intended to constitute a solicitation for the formation of an attorney-client relationship.*

For more information or questions on statutes of limitations, please contact us at coverage@sdvlaw.com.