



General Assembly

Substitute Bill No. 5570

February Session, 2014



AN ACT CONCERNING THE APPLICABILITY OF THE STATUTE OF LIMITATIONS TO CONSTRUCTION AND DESIGN ACTIONS BROUGHT BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-584a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014, and*
3 *applicable to actions accruing on or after said date*):

4 (a) No action or arbitration, whether in contract, in tort, or
5 otherwise, (1) to recover damages (A) for any deficiency in the design,
6 planning, contract administration, supervision, observation of
7 construction or construction of, or land surveying in connection with,
8 an improvement to real property; (B) for injury to property, real or
9 personal, arising out of any such deficiency; (C) for injury to the
10 person or for wrongful death arising out of any such deficiency, or (2)
11 for contribution or indemnity which is brought as a result of any such
12 claim for damages, shall be brought against any architect, professional
13 engineer or land surveyor performing or furnishing the design,
14 planning, supervision, observation of construction or construction of,
15 or land surveying in connection with, such improvement more than
16 seven years after substantial completion of such improvement.

17 (b) Notwithstanding the provisions of subsection (a) of this section,

18 in the case of such an injury to property or the person or such an injury
 19 causing wrongful death, which injury occurred during the seventh
 20 year after such substantial completion, an action in tort to recover
 21 damages for such an injury or wrongful death may be brought within
 22 one year after the date on which such injury occurred, irrespective of
 23 the date of death, but in no event may such an action be brought more
 24 than eight years after [the] substantial completion of [construction of
 25 such an] such improvement.

26 (c) Notwithstanding the provisions of subsections (a) and (b) of this
 27 section, no action described in subsection (a) or (b) of this section that
 28 accrues on or after October 1, 2014, may be brought by the state or any
 29 political subdivision of the state more than ten years after substantial
 30 completion of such improvement.

31 [(c)] (d) For the purposes of subsections (a), [and] (b) and (c) of this
 32 section, an improvement to real property shall be considered
 33 substantially complete when (1) it is first used by the owner or tenant
 34 thereof or (2) it is first available for use after having been completed in
 35 accordance with the contract or agreement covering the improvement,
 36 including any agreed changes to the contract or agreement, whichever
 37 occurs first.

38 [(d)] (e) The limitation prescribed by this section shall not be
 39 asserted by way of defense by any person in actual possession or [the]
 40 control, as owner, tenant or otherwise, of such an improvement at the
 41 time any deficiency in such an improvement constitutes the proximate
 42 cause of the injury or death for which it is proposed to bring action.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014, and applicable to actions accruing on or after said date</i>	52-584a

Statement of Legislative Commissioners:

In section 1, the new language was reorganized and rewritten for accuracy.

JUD *Joint Favorable Subst.*