



General Assembly

January Session, 2015

Raised Bill No. 1032

LCO No. 4376



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

**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 Section 52-584a of the general statutes is repealed and the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, 2015, 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, 2015, 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, 2015, and applicable to actions accruing on or after said date</i>	52-584a

Statement of Purpose:

To abrogate the common law doctrine of nullum tempus occurrit regi (no time runs against the king) in certain contract and tort actions.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]