

1 IN THE HOUSE

BY THE LOCAL  
GOVERNMENT COMMITTEE

2 HOUSE BILL NO. 252

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a statute of limita-  
7 tions for actions for damages against  
8 persons who design or construct improve-  
9 ments to real property."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. AS 09.10.050 is amended to read:

12 Sec. 09.10.050. ACTIONS TO BE BROUGHT IN SIX YEARS.

13 (a) No person may bring an action (1) upon a contract or  
14 liability, express or implied, excepting those mentioned in  
15 sec. 40 of this chapter; (2) for waste or trespass upon  
16 real property; or (3) for taking, detaining, or injuring  
17 personal property, including an action for its specific  
18 recovery; unless commenced within six years.

19 N (b) No person may bring an action to recover damages  
20 E for an injury to real or personal property, or for bodily  
21 W injury or wrongful death, resulting from the defective or  
22 unsafe condition of an improvement to real property, or an  
23 action for contribution or indemnity for damages sustained  
24 M as a result of these injuries, against a person performing  
25 A or furnishing the design, planning, supervision of the  
26 T construction, or construction of the improvement unless the  
27 T action is commenced within six years after the date of sub-  
28 E stantial completion of the improvement. This limitation  
29 R does not apply to an action against a person who is in actual

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possession and control, as owner, tenant or otherwise, of the improvement at the time the defect or unsafe condition of the improvement constitutes the proximate cause of the injury for which the action is brought.

(c) In (b) of this section, "date of substantial completion" means the date on which the improvement is sufficiently completed, in accord with the terms of the construction contract, to permit the owner to occupy or use the improvement for the purposes for which it was constructed.

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