

Introduced: 2/10/67
Referred: Judiciary

1 IN THE HOUSE

BY FINK

2 HOUSE BILL NO. 160

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for a statute of limitations in
7 design and construction cases."

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

9 * Section 1. AS 09.10.050 is amended to read:

10 Sec. 09.10.050. ACTIONS TO BE BROUGHT IN SIX YEARS. No person
11 may bring an action (1) upon a contract or liability, express or
12 implied, excepting those mentioned in sections [SECTION] 40 or 55 of
13 this chapter; (2) for waste or trespass upon real property; or (3) for
14 taking, detaining, or injuring personal property, including an action
15 for its specific recovery, excepting those mentioned in sec. 55 of
16 this chapter; unless commenced within six years.

17 * Sec. 2. AS 09.10 is amended by adding a new section to read:

18 Sec. 09.10.055. ACTIONS TO BE BROUGHT IN FOUR YEARS. (a) No
19 action, whether in contract (oral or written, sealed or unsealed), in
20 tort or otherwise, to recover damages (1) for a deficiency in the
21 design, planning, supervision or observation of construction or con-
22 struction of an improvement to real property; or (2) for injury to
23 property, real or personal, arising out of a deficiency, shall be
24 brought against a person performing or furnishing the design, planning,
25 supervision or observation of construction, or construction of an
26 improvement more than four years after substantial completion of an
27 improvement.

28 (b) Notwithstanding the provisions of (a) of this section, in
29 the case of an injury to property which occurred during the fourth

1 year after substantial completion, an action in tort to recover damages
2 for the injury may be brought within one year after the date on which
3 the injury occurred. In no event may action be brought more than five
4 years after the substantial completion of construction of an improvement

5 (c) Nothing in this section shall be construed as extending the
6 period prescribed by the laws of this state for the bringing of any
7 action.

8 (d) The limitation prescribed by this section shall not be asserted
9 by way of defense by a person in actual possession or control, as owner,
10 tenant, or otherwise of an improvement at the time a deficiency in an
11 improvement constitutes the proximate cause of the injury or death for
12 which it is proposed to bring an action.

13 (e) In this section, "person" means an individual, corporation,
14 partnership, business trust, unincorporated organization, association,
15 or joint stock company.
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