

Introduced: 2/10/67  
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE  
BY REQUEST

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 SIX 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; (2) for injury to property,  
23 real or personal, arising out of a deficiency; or (3) for injury to the  
24 person or for wrongful death arising out of such deficiency, shall be  
25 brought against a person performing or furnishing the design, planning,  
26 supervision or observation of construction, or construction of an  
27 improvement more than six years after substantial completion of an  
28 improvement.

29 (b) Notwithstanding the provisions of (a) of this section, in

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1 the case of an injury to property or the person or such an injury causing  
2 wrongful death which injury occurred during the sixth year after sub-  
3 stantial completion, an action in tort to recover damages for the  
4 injury may be brought within two years after the date on which the  
5 injury occurred. In no event may action be brought more than eight  
6 years after the substantial completion of construction of an improvement.

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

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

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