

1 IN THE HOUSE

BY ZAWACKI

2

HOUSE BILL NO. 515

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to limitations on civil actions."

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

8 * Section 1. AS 09.10 is amended by adding a new section to read:

9 Sec. 09.10.045. LIMITATIONS ON CERTAIN ACTIONS INVOLVING MANU-
10 FACTURING EQUIPMENT. (a) A person may not bring an action for per-
11 sonal injury, death, or property damage caused by the design, assem-
12 bly, fabrication, production, construction, sale, or lease of manu-
13 facturing equipment unless the action is

14 (1) brought within two years of the accrual of the action;

15 or

16 (2) for indemnity and brought by a manufacturer, seller, or
17 lessor within three years of the accrual of the action.

18 (b) Notwithstanding (a) of this section, a person may not bring
19 an action described under (a) of this section more than six years
20 after the manufacturing equipment is first used for its intended
21 purpose by a person not engaged in the business of manufacturing,
22 selling, or leasing the equipment.

23 (c) In this section "manufacturing equipment" means equipment
24 used in producing a product, substance, or commodity for commercial
25 sale and does not include the raw or processed materials used in the
26 process.

27 * Sec. 2. AS 09.10.050 is repealed and reenacted to read:

28 Sec. 09.10.050. ACTIONS THAT MUST BE BROUGHT IN SIX YEARS.

29 Except as provided in AS 09.10.070, unless the action is brought

1 within six years of the accrual of the action, a person may not bring
2 an action to

3 (1) recover a debt based on contract or equity;

4 (2) recover possession of personal property encumbered by a
5 debt;

6 (3) collect past due rent.

7 * Sec. 3. AS 09.10.055(a) is amended to read:

8 (a) An [NO] action, whether in contract [(ORAL OR WRITTEN,
9 SEALED OR UNSEALED)], in tort or otherwise, to recover damages (1) for
10 a deficiency in the design, planning, supervision or observation of
11 construction, or construction of an improvement to real property; (2)
12 for injury to property, real or personal, arising out of a deficiency;
13 or (3) for injury to the person or for wrongful death arising out of
14 such deficiency, may not be brought against a person performing or
15 furnishing the design, planning, supervision or observation of con-
16 struction, or construction of an improvement more than two years after
17 the accrual of the action or more than six years after substantial
18 completion of an improvement whichever date occurs first.

19 * Sec. 4. AS 09.10.055 is amended by adding a new subsection to read:

20 (f) Notwithstanding the other provisions of this section, a
21 person may not bring an action against a professional land surveyor
22 registered under AS 08.48 to recover damages caused by a negligent or
23 defective land survey unless the action is brought within two years
24 after the accrual of the action or within six years after the land
25 survey is completed, whichever date occurs first.

26 * Sec. 5. AS 09.10.060 is repealed and reenacted to read:

27 Sec. 09.10.060. ACTIONS THAT MUST BE BROUGHT IN THREE YEARS.
28 Except as provided in AS 09.10.050, 09.10.055, and 09.10.070 unless
29 the action is brought within three years of the accrual of the action,

1 a person may not bring an action

2 (1) based on a contract;

3 (2) based on fraud, misrepresentation, or deceit;

4 (3) to determine paternity;

5 (4) based on breach of trust or fiduciary duty.

6 * Sec. 6. AS 09.10.070 is repealed and reenacted to read:

7 Sec. 09.10.070. ACTIONS THAT MUST BE BROUGHT IN TWO YEARS.
8 Except as provided in AS 09.10.080, unless the action is brought
9 within two years of the accrual of the action, a person may not bring
10 an action

11 (1) based on injury or death of a person;

12 (2) based on warranty, express or implied;

13 (3) based on contract, tort, or other theory of liability
14 against a hospital, health care facility, physician, nurse, dentist,
15 chiropractor, veterinarian, therapist, midwife, pharmacist, optome-
16 trist, podiatrist, or other health care professional;

17 (4) based on contract, tort, or other theory of liability
18 against a public official or governmental entity.

19 * Sec. 7. AS 09.10.080 is repealed and reenacted to read:

20 Sec. 09.10.080. ACTIONS THAT MUST BE BROUGHT IN ONE YEAR.
21 Unless the action is brought within one year of the accrual of the
22 action, a person may not bring an action

23 (1) based on assault, battery, false imprisonment, false
24 arrest, libel, or slander;

25 (2) based on escape of a prisoner;

26 (3) against a person for acts performed as a peace officer,
27 firefighter, national guardsman, or other law enforcement authority.

28 * Sec. 8. AS 09.10.100 is amended to read:

29 Sec. 09.10.100. OTHER ACTIONS IN TWO [10] YEARS. An action for

1 a cause not otherwise provided for must [MAY] be commenced within two
2 [10] years after the cause of action has accrued.

3 * Sec. 9. This Act applies to causes of action that accrue after the
4 effective date of this Act.