

**SENATE BILL NO. 109**

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS HALFORD, Pearce, Sturgulewski, Collins, Rodey

Introduced: 2/8/91  
Referred: Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the time for filing certain civil actions; and providing for an effective  
2 date."

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

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

5           Sec. 09.10.050. ACTIONS TO BE BROUGHT IN SIX YEARS. Unless the action is  
6           commenced within six years, a [NO] person may not bring an action

7                           (1) upon a contract or liability, express or implied, excepting those mentioned in  
8           AS 09.10.040 [OR 09.10.055];

9                           (2) for waste or trespass upon real property; or

10                          (3) for taking, detaining, or injuring personal property, including an action for its  
11           specific recovery [, EXCEPT THOSE MENTIONED IN AS 09.10.055; UNLESS COMMENCED  
12           WITHIN SIX YEARS].

13 \* Sec. 2. AS 09.10.055 is repealed and reenacted to read:

14           Sec. 09.10.055. CERTAIN ACTIONS THAT MUST BE BROUGHT IN SEVEN

1 YEARS. (a) Notwithstanding AS 09.10.140, a person may not bring an action for personal  
2 injury, death, or property damage, if the action is based on a defect created by negligence in the  
3 construction, design, planning, supervision, inspection, or observation of construction of an  
4 improvement to real property unless the action is brought within seven years of the date of  
5 substantial completion of the improvement.

6 (b) Notwithstanding (a) of this section, if personal injury, death, or property damage  
7 occurs in the seventh year after substantial completion of the improvement, a person may bring  
8 a negligence action to recover damages if the negligence action is brought within one year after  
9 the date on which the personal injury, death, or property damage occurs.

10 (c) This section does not apply

11 (1) to a person who was in actual possession and lawful control of the  
12 improvement at the time the defect caused the personal injury, death, or property damage;

13 (2) if the personal injury, death, or property damage was caused intentionally or  
14 resulted from gross negligence, fraud, fraudulent concealment, or fraudulent misrepresentation;

15 or

16 (3) if a longer period of time for bringing the action was provided under a  
17 contract.

18 (d) In this section, "substantial completion" means the date when construction is  
19 sufficiently completed to allow the owner or a person authorized by the owner to occupy the  
20 improvement or use the improvement in the manner for which it was intended.

21 \* **Sec. 3. APPLICABILITY.** This Act applies to all causes of action accruing on or after the effective  
22 date of this Act.

23 \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).