

CS FOR SENATE BILL NO. 109 (JUDICIARY)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/17/91
 Referred: Rules

Sponsor(s): SENATORS HALFORD, Pearce, Sturgulewski, Collins, Rodey

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 AS 09.10.055 is repealed and reenacted to read: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 in the design, planning,
3 supervision, inspection, or observation of construction of an improvement to real property unless
4 the action is brought within seven years of the date of substantial completion of the improvement.

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

9 (c) This section does not apply

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

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

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

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

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

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