



## National Compendium of Statutes of Repose for Products Liability and Real Estate Improvements

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Current as of September 1, 2010. Note: This chart is not an exhaustive list of the characteristics of each jurisdiction’s statute. Furthermore, these statutes are subject to amendment by the legislatures, and constitutional review by the courts. Hence, the reader is advised to conduct independent research as to the current status of the law in the applicable jurisdiction.

Note: ~~Indicates that Statute~~ has been held unconstitutional by the state’s highest court of appeals, although the statute has not been repealed by the legislature.

“MUPLA” refers to the Model Uniform Product Liability Act *See* 44 Fed.Reg. 62,714, 62,732-34 (1979).

State	Product Liability Statutes of Repose	Real Estate Improvement Statutes of Repose (Time generally runs from “substantial completion”)
Alabama	<del>Ala. Code § 6-5-502</del> (10 year SOR struck down as Unconstitutional by <i>Lankford v. Sullivan, Long &amp; Hagerty</i> , 416 So.2d 996 (1982))	Ala. Code § 6-5-221 (13 years)
Alaska	None	Alaska Stat. § 09.10.055 (10 years)
Arizona	<del>Ariz. Rev. Stat. § 12-251</del> (12 year SOR struck down as Unconstitutional by <i>Hazine v. Montgomery Elevator Co.</i> , 176 Ariz. 340, 861 P.2d 625 (1993))	Ariz. Rev. Stat § 12-252 (8 years)
Arkansas	Ark. Code Ann. § 16-116-105 (Use of a product beyond its unspecified "anticipated life" may be considered as evidence of fault by the consumer)	Ark. Code Ann. § 16-56-112 (4 years)
California	None	Cal. C.C.P. § 337.15 (10 years) (Only applicable to claims of property damage. Not applicable to personal injury claims.)
Colorado	Colo. Rev. Stat. Ann. § 13-80-107 (7 year SOR for “new manufacturing equipment” after equipment was first used for its intended purpose)  Colo. Rev. Stat. Ann. § 13-21-403 (10 year Rebuttable Presumption from date of first sale)	Colo. Rev. Stat. Ann. § 13-80-104 (6 years)

Connecticut	Conn. Gen. Stat. § 52-577a (10 year SOR from date party last parted with possession or control of the product, only for injuries occurring in the course of employment. If injury did not occur in the course of employment, there is no SOR, provided the plaintiff shows the injury occurred during the product's useful safe life)	Conn. Gen. Stat. § 52-584a (7 years)
Delaware	None	10 Del. C. § 8127 (6 years)
District of Columbia	None	D.C. Code § 12-310 (10 years)
Florida	Fla. Stat. § 95.031(2) (12 year SOR, if the useful life of the product is 10 years or less. The SOR may be extended up to 20 years depending upon a complex scheme determining the product's useful life)	Fla. Stat. § 95.11(3) (4 years or 10 years in cases of latent defect)
Georgia	Ga. Code. Ann. § 51-1-11 (10 year SOR from first sale for use or consumption)	Ga. Code. Ann. § 9-3-51 (8 years or 10 years in cases of wrongful death)
Hawaii	None	H.R.S. § 657-8 (10 years)
Idaho	Idaho Code § 6-1403 (10 year Rebuttable Presumption similar to the MUPLA. Product Seller not subject to liability if the product's "useful safe life" has expired. Rebuttable Presumption that a product's "useful safe life" is 10 years following delivery to first purchaser or lessee.)	Idaho Code § 5-241 (6 years)
Illinois	735 Ill. Ann. Stat. 5/13-213 (12 year SOR from date of first sale, or 10 years from date of sale to first user, whichever is shorter) (The constitutionality of this statute is unclear. A 1995 statutory amendment which replaced the application of "strict liability in tort" to "any theory of liability" against a product manufacturer was held to be unconstitutional, thus leaving the prior statute in effect. <i>See Best v. Taylor Mach. Works</i> , 689 N.E.2d 1057, 228 Ill.Dec. 636, 179 Ill.2d 367. (1997); 8 <i>Nichols Ill. Civ. Prac.</i> § 143:10, Note 2)	735 Ill. Ann. Stat. 5/13-214 (10 years)
Indiana	Ind. Code Ann. § 34-20-3-1 (10 year SOR from delivery of the product to initial user or consumer unless the injury occurs at least 8 years from date of deliver, then a claim may be brought at any time within 2 years from the date of the incident.)	Ind. Code Ann § 32-30-1-5 (10 years or 12 years in cases of alleged design deficiency, unless injury occurs with less than 2 years remaining in SOR, then a claim may be brought at any time within 2 years from the date of the incident.)
Iowa	I.C.A. § 614.1 (15 year SOR from when product was first purchased, leased, bailed, or installed for use or consumption.)	I.C.A. § 614.1 (15 years)
Kansas	Kan. Stat. Ann. § 60-3303 (10 year Rebuttable	Kan. Stat. Ann. § 60-513 (10

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Kentucky	Ky. Rev. Stat. Ann § 411.310 (5 year Rebuttable Presumption from date of first sale, or 8 year Rebuttable Presumption from date of manufacture)	<del>Ky. Rev. Stat. Ann § 413.135</del> (7 years, held unconstitutional by <i>Perkins v. Northeastern Log Homes</i> , 808 S.W.2d 809 (Ky., 1991))
Louisiana	None	L.S.A. – R.S. § 9:2772 (5 years)
Maine	None	14 M.R.S.A. § 752A (10 years, but only applicable to design professionals, architects and engineers)
Maryland	Md. Code Courts and Judicial Proceedings § 5-115 (No SOR for claims arising in Maryland, but the "borrowing statute" will apply another state's SOR for claims arising in that state, so long as the plaintiff is not a Maryland resident)	Md. Code Courts and Judicial Proceedings § 5-108 (20 years for all actions, but 10 years for claims against architects, professional engineers or contractors)
Massachusetts	None	M.G.L.A. 260 § 2B (6 years)
Michigan	Mich. Stat. Ann. § 600.5805 (If product has been in use for 10 years, plaintiff must prove prima facie case without benefit of any presumption)	Mich. Stat. Ann. § 600.5839 (10 years for all actions, but 6 years for claims against architects, professional engineers or contractors)
Minnesota	Minn. Stat. Ann § 604.03 (Use of a product following the expiration of its unspecified "ordinary useful life" is a defense to liability)	Minn. Stat. Ann § 541.051 (10 years)
Mississippi	None	Miss. Code Ann. § 15-1-41 (6 years)
Missouri	None	V.A.M.S. § 516.097 (10 years)
Montana	None	Mont. Code Ann. § 27-2-208 (10 years, unless injury occurs with less than 1 year remaining in SOR, then a claim may be brought at any time within 1 year from the date of the incident.
Nebraska	Neb. Rev. Stat § 25-224 (10 year SOR from the date of first sale for products manufactured in Nebraska. For products manufactured outside of Nebraska, the SOR shall be that of the state of manufacture so long as it is not less than 10 years. If the foreign state of manufacture has no SOR, then no SOR will apply.)	Neb. Rev. Stat § 25-223 (10 years for all actions, but 4 years for claims alleging deficiency in the design, planning or construction)
Nevada	None	Nev. Rev. Stat. Ann. § 11.203, 11.204, 11.205 (6 years for claims involving patent deficiencies, 8

		years for claims involving known deficiencies, 10 years for claims involving latent deficiencies, unless injury occurs with less than 2 years remaining in SOR, then a claim may be brought at any time within 2 years from the date of the incident.
New Hampshire	<del>N.H. Rev. Stat. § 507-D:2</del> (12 year SOR struck down as Unconstitutional by <i>Lankford v. Sullivan, Long &amp; Hagerty</i> , 416 So.2d 996 (1982))	N.H. Rev. Stat. § 508:4-b (8 years)
New Jersey	None	N.J.S.A. § 2A:14-1.1 (10 years)
New Mexico	None	N.M.S.A. § 37-1-27 (10 years)
New York	None	None
North Carolina	N.C.G.S.A. § 1-46.1 (12 year SOR from date of initial purchase for use or consumption)	N.C.G.S.A. § 1-50 (6 years)
North Dakota	<del>N.D. Cent. Code § 28-01.3-08</del> (10 year SOR struck down as Unconstitutional by <i>Dickie v. Farmers Union Oil Co.</i> , 611 N.W.2d 168 (N.D. 2000))	N.D. Cent. Code § 28-01-44 (10 years)
Ohio	Ohio Rev. Code Ann. § 2125.02 and 2305.10 (10 year SOR from date of delivery to first purchaser or lessee unless the injury occurs with less than 2 years until expiration of SOR, then a claim may be brought at any time within 2 years from the date of the incident. Note: while the statute was held to be facially constitutional, retroactive application has been held to be unconstitutional. See <i>Groch v. Gen. Motors Corp.</i> , 883 N.E.2d 377, 117 Ohio St.3d 192 (2008)	Ohio Rev. Code Ann. § 2305.131 (10 years unless injury occurs with less than 2 years remaining in SOR, then a claim may be brought at any time within 2 years from the date of the incident)
Oklahoma	None	12 Okl. St. Ann. § 109 (10 years)
Oregon	Or. Rev. Stat. 30.905 (10 year SOR from date of purchase for first use or consumption, or for products manufactured outside of Oregon, the SOR shall be of that state.)	Or. Rev. Stat. 12.135 (10 years)
Pennsylvania	None	42 Pa. C.S.A. § 5536 (12 years unless injury occurs with less than 2 years remaining in SOR, then a claim may be brought at any time within 2 years from the date of the incident)
Rhode Island	<del>R.I. Gen. Laws § 9-1-13</del> (10 year SOR struck down as Unconstitutional by <i>Kennedy v. Cumberland Eng. Co.</i> , 471 A.2d 195 (R.I. 1984))	R.I. Gen. Laws § 9-1-29 (10 years)
South Carolina	None	S.C. Code § 15-3-640 (8 years)
South Dakota	None ( <del>SDCA § 15-2-12.1</del> struck down as unconstitutional by <i>Daugaard v. Baltic Co-op. Bldg. Supply Ass'n</i> , 349 N.W.2d 419 (S.D. 1984). Later repealed by the legislature. See S.L. 1985 ch. 157 § 2)	SDCL § 15-2A-1 (10 years)

Tennessee	Tenn. Code Ann. § 29-28-103 (10 year SOR from date product was first purchased for use or consumptions, or within 1 year after expiration of the anticipated life of the product, whichever is shorter)	Tenn. Code Ann. § 28-3-202(4 years)
Texas	Tex. Civ. Prac. & Rem. Code Ann. § 16.012 (15 year SOR from date of the product's sale by the defendant)	Tex. Civ. Prac. & Rem. Code Ann. § 16.008 (10 years)
Utah	None ( <del>Utah Code Ann. § 78-15-3</del> struck down as unconstitutional by <i>Berry ex rel. Berry v. Beech Aircraft Corp.</i> , 717 P.2d 670 (Utah 1985). Later repealed by the legislature, reworded as a statute of limitations and renumbered as Utah Code Ann § 78B-6-706. <i>See</i> Act of Feb. 20, 1989, ch. 119, § 1, 1989 Utah Laws 268)	Utah Code Ann. § 78B-2-225 (9 years unless injury occurs with less than 2 years remaining in SOR, then a claim may be brought at any time within 2 years from the date of the incident)
Vermont	None	None
Virginia	None	Va. Code Ann § 8.01-250 (5 years)
Washington	Wash. Rev. Code § 7.72.060 (12 year Rebuttable Presumption similar to the MUPLA. Product Seller not subject to liability if the product's "useful safe life" has expired. Rebuttable Presumption that a product's "useful safe life" is 12 years following delivery to first purchaser or lessee)	Wash. Rev. Code § 4.16.310 (6 years)
West Virginia	None	W.Va. Code § 55-2-6a (10 years)
Wisconsin	None	Wisc. S.A. § 893.89 (10 years)
Wyoming	None	Wyo. Stat. § 1-3-111 (10 years)