

**SB 369 -1, -2 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Prepared By:** Channa Newell, Counsel

**Meeting Dates:** 4/5, 4/8

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**WHAT THE MEASURE DOES:**

Specifies statute of limitation for actions arising out of construction, alteration or repair of any improvement on real property against architects, landscape architects, and engineers is two years after the date on which the plaintiff knew or should have known about the injury to person, property, or property interest or delay or economic loss arising out of construction, alteration, or repair. Adds time points on which substantial completion may occur: the date when a public body issues a certificate of occupancy, the date when the owner uses or occupies the improvement for its intended purpose, or the date when the construction, alteration, or repair has reached substantial completion as defined in the contract.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-1 Restores current statute of limitations for actions against architects, landscape architects, or engineers. Removes provisions that substantial completion may occur when met by the terms of contract.

-2 Specifies that statute of limitation and statute of repose apply even if plaintiff was not party to contract for construction, alteration, repair, or inspect of improvement.

**BACKGROUND:**

An action against a person arising from the construction, alteration, or repair of any improvement to real property, including the those providing supervision, inspection, design, planning, surveying, or architectural or engineering services must be commenced within ten years of substantial completion or abandonment of the project if the project is a small commercial or residential structure. For large commercial structures, the action must commence within six years of substantial completion or abandonment. For actions specifically against registered architects, landscape architects, and engineers, actions to recover damages, including damages for economic loss or delay, must be commenced within two years of discovery of the injury or damage or that in the exercise of reasonable care should have been discovered.

Senate Bill 369 modifies the terms of the two year statute of limitations as applies to architects, landscape architects, and engineers, and provides additional points that can be considered substantial completion of the project.