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Product Liability

A nationwide survey of statutes of repose

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There are currently 19 state statutes that protect product manufacturers from liability for allegedly defective products, if the products have been in existence for a period of time. These statutes are referred to as “statutes of repose.” These statutes are very useful to our clients, so we have decided to complete this 50 state (and District of Columbia) survey of the various statutes of repose.

The information contained in this chart is valid as of Feb. 8, 2006. One state, Maryland, will under certain circumstances, apply another state’s statute of repose. In two states, Arizona and Rhode Island, the statutes of repose for products have been found unconstitutional.

The “product” statutes of repose should not be confused with the statutes that limit liability for improvements to real property after a period of time. There are 46 states (and the District of Columbia) that have statutes of repose that apply to improvements to real property.

Please also note that this chart does not contain the minutia of each state’s statute of repose. We have, therefore, provided you with the citation for the statutes of repose for your convenience.

50 State Statute of Repose Chart*

State	Products	Statute	Real Property**	Statute
Alabama	None specific for product liability actions.		Seven years from substantial completion to improvement to real property against any person performing or furnishing the design, planning, supervision or observation of the construction.	Code of Ala. § 6-5-218 (2005)
Alaska	None specific for product liability actions.		Ten years from substantial completion of construction or 10 years from last act that allegedly caused injury, death or property damage. This section specifically excludes defective products.	Alaska Stat. § 09.10.055 (2005)
Arizona	None specific for product liability actions. The statute of repose for product liability claims was found to be unconstitutional. See <i>Hazine v. Montgomery Elevator Co.</i> , 176 Ariz. 340, 861 P.2d 625 (1993).	A.R.S. § 12-551 (Found unconstitutional)	Eight years from substantial completion of improvement to real property.	A.R.S. § 12-552
Arkansas	None specific for product liability actions.		Four years from substantial completion of improvement to real property for tort or contract actions for personal injury or wrongful death.	A.C.A. § 16-56-112
California	None specific for product liability actions.		Ten years from substantial completion of construction or construction of an improvement to	CCP § 337.15

			real property.	
Colorado	Seven years from date equipment first used, unless injury is caused by a hidden defect. Applies to actions brought against manufacturers, sellers and lessors of new manufacturing equipment.	C.R.S. § 13-80-107(1)(b)	Six years from substantial completion of improvement to real property in any action against any architect, contractor, builder or builder vendor, engineer or inspector.	C.R.S. 13-80-104
Connecticut	Ten years from date of sale of product (time can be extended by express written warranty).	Conn. Gen. Stat. § 52-577a	Seven years from substantial completion to improvement to real property for actions brought against any architect, professional engineer or land surveyor.	Conn. Gen. Stat. § 52-584a
Delaware	None specific for product liability actions.		Six years from substantial completion of improvement to real property.	10 Del. C. § 8127
District of Columbia	None specific for product liability actions.		Ten years from substantial completion of improvement to real property.	D.C. Code § 12-310
Florida	Twelve years from delivery of product to original purchaser, if product has useful life of 10 years or less. Products are presumed to have a useful life of 10 years or less, except for certain aircraft, vessels, railroad equipment and improvements to real property. Then, the statute of repose may be 20 years from delivery or the express useful life as stated by the manufacturer (with some exceptions as listed in the statute).	Fla. Stat. § 95.031	Fifteen years from improvement to real property, from possession of owner, issuance of certificate of occupancy, date of abandonment of construction, or termination of the contract between the professional engineer, registered architect or licensed contractor and his or her employer, whichever date is latest.	Fla. Stat. § 95.11
Georgia	Ten years from first sale of product.	O.C.G.A. § 51-1-11	Eight years from substantial completion to improvement to real property.	O.C.G.A. § 9-3-51
Hawaii	None specific for product liability actions.		Ten years from date of completion of improvement to real property.	HRS § 657-8
Idaho	Ten years (rebuttable presumption) or after the expiration of the product's useful safe life. Presumption must be rebutted by clear and convincing evidence. This could include the manufacturer's express warranty that the useful life is greater than 10 years.	Idaho Code § 6-1403	Six years from final completion of improvement to real property.	Idaho Code § 5-241
Illinois	Ten or 12 years. Action must be commenced within shorter period, either 10 years from date of sale, or delivery to initial user or 12 years from date of first sale	735 ILCS. 5/13-213	Ten years from improvement to real property.	735 ILCS. 5/13-214

	or delivery by seller, unless manufacturer specifically warrants the product for a longer period.			
Indiana	Ten years after delivery of product to initial user, unless the cause of action accrues at least eight years, but less than 10 years, after initial delivery. Then the action may be commenced at any time within two years after the cause of action accrues.	Ind. Code § 34-20-3-1	Ten years from substantial completion of improvement to real property, or 12 years after the completion and submission of plans and specifications to the owner if the action is for a deficiency in the design of the improvement to real property.	Ind. Code § 32-30-1-5
Iowa	Fifteen years, unless the product is specifically warranted for a longer period by the manufacturer.	Iowa Code § 614.1	Fifteen years from the act or omission of the act alleged to have been the cause of the injury or death.	Iowa Code § 614.1
Kansas	Ten years (rebuttable presumption) or after expiration of useful safe life of the product under the Kansas Product Liability Act. Presumption may be rebutted by clear and convincing evidence. If the manufacturer warrants the life of the product for more than 10 years, then the statute will be extended to the length of the warranty.	Kan. Stat. Ann. § 60-3303(a)(1)	There is a general 10-year statute of repose for all tort cases.	K.S.A. § 60-513
Kentucky	Five years from date of sale or eight years from date of manufacture (rebuttable presumption). Presumption may be rebutted by a preponderance of the evidence.	Ky. Rev. Stat. Ann. § 411.310	Seven years from substantial completion of improvement to real property.	KRS § 413.135
Louisiana	None specific for product liability actions.		Five years after the owner has taken possession of the improvement to real property.	La. R.S. 9:2772
Maine	None specific for product liability actions.			
Maryland	None specific for product liability actions, except that if a cause of action arose in a foreign jurisdiction, that jurisdiction's statute would apply, unless the plaintiff is a Maryland resident.	Md. Code Ann. § 5-115	Twenty years for improvement to real property. Ten years for actions against architect, professional engineer or contractor related to improvement to real property.	Md. Code Ann. § 5-108
Massachusetts	None specific for product liability actions. The statute of repose in other states may be applied to some pl cases in Massachusetts, depending on the facts of each case.		Six years from substantial completion of improvement to real property and owner taking possession of improvement.	ALM GL ch. 260, § 2B
Michigan	None specific for product liability actions.		Ten years after occupancy, use or acceptance of the improvement to	MCLS § 600.5839

			real property.	
Minnesota	None specific for product liability actions.		Ten years from substantial completion of improvement to real property.	Minn. Stat. § 541.051
Mississippi	None specific for product liability actions.		Six years from written acceptance or actual occupancy for design or construction of improvement to real property.	Miss. Code Ann. § 15-1-41
Missouri	None specific for product liability actions.		Ten years for actions for improvement to real property. This applies only to persons who perform or furnish, in whole or in part, the design, planning or construction, including architectural, engineering or construction services, of the improvement.	R. S. Mo § 516.097
Montana	None specific for product liability actions.		Ten years from completion of improvement to real property. This has been interpreted to apply to damage caused by a defective product that is related to the improvement.	Mont. Code Anno., § 27-2-208
Nebraska	Ten years from date product was manufactured, if it was manufactured in Nebraska. If the product was manufactured outside of Nebraska, then that state's statute of repose will apply, but not less than 10 years. If the state where the product is manufactured has no statute of repose, then only the four-year statute of limitations will apply.	R.R.S. Neb. § 25-224	Ten years for actions for breach of warranty for improvement to real property.	R.R.S. Neb. § 25-223
Nevada	None specific for product liability actions.		For damage from construction, 10 years from substantial completion of project for known deficiencies (additional two years to bring action if injury occurs in 10 th year). Eight years from substantial completion of project for latent and patent deficiencies (additional two years if injury occurs in eighth year).	Nev. Rev. Stat. Ann. § 11.203, 11.204
New Hampshire	Twelve years from date it left manufacturer's control and possession, or it was sold, whichever occurred last.	RSA § 507-D:2	Eight year from substantial completion of improvement to real property.	RSA § 508:4-b
New Jersey	None specific for product liability actions.		Ten years from completion of improvement to real property.	N.J. Stat. § 2A:14-1.1
New Mexico	None specific for product liability actions.		Ten years from substantial completion of improvement to real property.	N.M. Stat. Ann. § 37-1-27
New York	None specific for product liability actions.			

North Carolina	Six years from initial purchase of product for use or consumption by end user, not a distributor or intermediary.	N.C. Gen. Stat. § 1-50	Six years for injuries arising from improvement to real property, running from last act or omission of defendant or substantial completion of project.	N.C. Gen. Stat. § 1-50
North Dakota	Ten years from date of initial purchase for useful consumption or 11 years from date of manufacture of the product.	N.D. Cent. Code, § 28-01.3-08	Ten years for improvement to real property, but it does not apply to manufacturers or suppliers of products used in the improvement.	N.D. Cent. Code, § 28-01-44
Ohio	Ten years from the date that the product was delivered to its first purchaser or lessee who was not engaged in a business in which the product was used as a component in the production, construction, creation, assembly or rebuilding of another product. Period will be extended to length of warranty if manufacturer provides a written warranty with a longer useful life.	ORC Ann. 2305.10	Ten years from substantial completion of improvement to real property.	ORC Ann. 2305.131
Oklahoma	None specific for product liability actions.		Ten years from substantial completion of improvement to real property.	12 Okl. St. § 109
Oregon	Eight years from time product was first purchased for use or consumption if the action was filed before Jan. 1, 2004. Ten years from first purchase or use of product if the action was filed after Jan. 1, 2004.	ORS § 30.905	Ten years from substantial completion of improvement to real property.	ORS § 12.135
Pennsylvania	None specific for product liability actions.		Twelve years from substantial completion of improvement to real property, but it generally does not apply to manufacturers.	42 Pa.C.S. § 5536
Rhode Island	General 10-year statute of repose for product liability action was found unconstitutional. (See <i>Kennedy v. Cumberland Eng'g Co.</i> , 471 A.2d 195 (R.I. 1984))	R.I. Gen. Laws § 9-1-13 (Found unconstitutional)	Ten years from substantial completion of improvement to real property.	R.I. Gen. Laws § 9-1-29
South Carolina	None specific for product liability actions.		Eight years from substantial completion of improvement to real property.	S.C. Code Ann. § 15-3-640
South Dakota	None specific for product liability actions.			
Tennessee	Ten years from date of first purchase for use or consumption, or within one year from expiration of useful life, whichever is shorter.	Tenn. Code Ann. § 29-28-103	Four years from substantial completion of improvement to real property.	Tenn. Code Ann. § 28-3-202
Texas	Fifteen years from sale of product, unless manufacturer expressly states that the product	Tex. Civ. Prac. & Rem. Code § 16.012	Ten years from substantial completion of improvement to real property.	Tex. Civ. Prac. & Rem. Code § 16.008

	has a useful, safe life longer than 15 years. Does not apply to the lease of a product.			
Utah	None specific for product liability actions.		Nine years from completion of improvement to real property or abandonment of construction.	Utah Code Ann. § 78-12-21.5
Vermont	None specific for product liability actions.			
Virginia	None specific for product liability actions.		Five years for improvement to real property for injuries resulting from ordinary building materials. The statute specifically excludes manufacturers or suppliers of equipment or machinery installed in real property.	Va. Code Ann. § 8.01-250
Washington	Expiration of useful, safe life of the product. There is a rebuttable presumption that the useful safe life is 12 years from date of delivery of the product. Presumption may be rebutted by a preponderance of the evidence. The time period may be extended if the manufacturer expressly warrants that the product has a useful, safe life longer than 12 years.	Rev. Code Wash. (ARCW) § 7.72.060	Six years from substantial completion of construction or improvement to real property. This specifically does not apply to product manufacturers.	Rev. Code Wash. (ARCW) § 4.16.310, Rev. Code Wash. (ARCW) § 4.16.300
West Virginia	None specific for product liability actions.		Ten years from occupying or acceptance of real property by owner for actions arising out of the planning, design, surveying, observation or supervision of any construction to real property.	W. Va. Code § 55-2-6a
Wisconsin	None specific for product liability actions.		Ten years from substantial completion of improvement to real property. Does not apply to the manufacturer or producer of the material used in an improvement to real property.	Wis. Stat. § 893.89
Wyoming	None specific for product liability actions.		Ten years from substantial completion of improvement to real property.	Wyo. Stat. § 1-3-111

* Please be cautioned that this chart is simply a broad overview of each state's statute of repose. It does not contain every requirement of each statute of repose. There are many different exceptions that may apply to various situations and different products. We would strongly recommend that anyone relying on this chart for a specific state's statute of repose also carefully review the statute in order to obtain comprehensive knowledge of that statute.

** Not every state's statute of repose applies to product manufacturers. Some manufacturers are excluded specifically in the statute. Other manufacturers are excluded based on case law.

This article is for general guidance only and does not contain definitive legal advice.

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