

STATUTE OF LIMITATIONS FOR LAND SURVEYORS IN CONNECTICUT

As of October 1, 2010

Sec. 52-584a. Limitation of action against architect, professional engineer or land surveyor. (a) No action or arbitration, whether in contract, in tort, or otherwise, (1) to recover damages (A) for any deficiency in the design, planning, contract administration, supervision, observation of construction or construction of, or land surveying in connection with, an improvement to real property; (B) for injury to property, real or personal, arising out of any such deficiency; (C) for injury to the person or for wrongful death arising out of any such deficiency, or (2) for contribution or indemnity which is brought as a result of any such claim for damages shall be brought against any architect, professional engineer or land surveyor performing or furnishing the design, planning, supervision, observation of construction or construction of, or land surveying in connection with, such improvement more than seven years after substantial completion of such improvement.

(b) Notwithstanding the provisions of subsection (a) of this section, in the case of such an injury to property or the person or such an injury causing wrongful death, which injury occurred during the seventh year after such substantial completion, an action in tort to recover damages for such an injury or wrongful death may be brought within one year after the date on which such injury occurred, irrespective of the date of death, but in no event may such an action be brought more than eight years after the substantial completion of construction of such an improvement.

(c) For purposes of subsections (a) and (b) of this section, an improvement to real property shall be considered substantially complete when (1) it is first used by the owner or tenant thereof or (2) it is first available for use after having been completed in accordance with the contract or agreement covering the improvement, including any agreed changes to the contract or agreement, whichever occurs first.

(d) The limitation prescribed by this section shall not be asserted by way of defense by any person in actual possession or the control, as owner, tenant or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury or death for which it is proposed to bring action.

(1969, P.A. 513, S. 1-5; 1972, P.A. 294, S. 36; P.A. 86-266, S. 2; P.A. 88-364, S. 70, 123; P.A. 98-137, S. 61, 62; 98-219, S. 33, 34.)

History: 1972 act removed actions and arbitrations brought against architectural designers from purview of section; P.A. 86-266 deleted former Subsec. (d), thereby expanding the applicability of the seven-year statute of limitations for actions against architects and engineers, relettering former Subsec. (e) accordingly; P.A. 88-364 made technical change in Subsec. (a); P.A. 98-137 made provisions applicable to actions and arbitrations against land surveyors for any deficiency in land surveying in connection with an improvement to property, effective October 1, 1998, and applicable to any action or

arbitration brought on or after said date with respect to a land survey performed or furnished on or after said date; P.A. 98-219 revised effective date of P.A. 98-137, but without affecting this section.

Cited. 205 C. 219; Id., 741. Held constitutional. 207 C. 496. Cited. 214 C. 464. Where improvements to real property contemplated by an architect's or engineer's services are not completed because of the defect complained of, Sec. 52-584a, and not Sec. 52-584, applies to plaintiff's cause of action. 247 C. 293.

Cited. 24 CA 81. Cited. 45 CA 775. Where forum was at issue, court properly declined to hear matter concerning statute of limitations re contract when it could not determine with positive assurance that issues of timeliness were intended by the parties to be excluded from the contract's arbitration clause. 62 CA 483.

Cited. 34 CS 22.

Statute intended to create a seven-year absolute maximum on actions against architects and engineers while leaving any other lesser limitations in place. 6 CA 212.

Subsec. (a):

Statute not applicable to surveyors who performed or finished surveys before October 1, 1998. 72 CA 236.

Subsec. (d):

Cited. 6 CA 212.