

H.589

Introduced by Representative Holcombe of Norwich

Referred to Committee on

Date:

Subject: Court procedure; limitations on actions; statute of repose; actions
arising out of improvements to real property

Statement of purpose of bill as introduced: This bill proposes to establish a
six-year statute of repose for an action arising out of improvements to real
property.

An act relating to a six-year statute of repose for actions arising out of
improvements to real property

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 12 V.S.A. § 526 is added to read:

§ 526. ACTION ARISING OUT OF IMPROVEMENTS TO REAL
PROPERTY; STATUTE OF REPOSE

(a) Except as otherwise provided in this section, a civil action for personal
injury or property damages arising out of a deficiency in the creation of an
improvement to real property, including the design, planning, contract
administration, supervision, or construction of the improvement, shall be
brought within six years after substantial completion of the improvement.

1 (b) Subsection (a) of this section shall not apply to actions involving
2 fraudulent misrepresentations or to actions involving the fraudulent
3 concealment of material facts upon which a claim might be based, which are
4 governed by section 555 of this title.

5 (c) As used in this section, “substantial completion” means that
6 construction is sufficiently complete so that an improvement may be utilized
7 by its owner or lawful possessor for the purposes intended. In the case of a
8 phased project with more than one substantial completion date, the six-year
9 period of limitations for actions involving systems designed to serve the entire
10 project shall begin at the substantial completion of each phase.

11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on July 1, 2026.