

April 2, 2007

**H 1284. LIMITATION/OVERTURN ABL PLUMBING/HEATING CASE.** Filed 4/2/07. *TO OVERTURN THE ABL PLUMBING & HEATING CASE AND TO PROVIDE THAT A CAUSE OF ACTION FOR BREACH OF CONTRACT OR BREACH OF WARRANTY ARISING OUT OF THE PERFORMANCE OF A CONSTRUCTION PROJECT TO IMPROVE REAL PROPERTY IS DEEMED TO ACCRUE AT THE TIME OF THE OCCURRENCE OF THE BREACH OR UPON SUBSTANTIAL COMPLETION OF THE CONSTRUCTION, WHICHEVER OCCURS LATER.*

Amends GS 1-15 as title indicates. Provides that the act does not revive claims previously barred under GS 1-15.

**Intro. by Stam.**

GS 1

April 26, 2007

**H 1284. BREACH/CONSTRUCTION CONTRACT ACCRUAL DATE (NEW).** Filed 4/2/07. House committee substitute makes the following changes to 1st edition. Amends the title to remove the phrase *TO OVERTURN THE ABL PLUMBING & HEATING CASE.*

July 1, 2008

**H 1284. BREACH/CONSTRUCTION CONTRACT ACCRUAL DATE.** Filed 4/2/07. Senate committee substitute makes the following changes to 2nd edition. Amends title to read *AN ACT TO PROVIDE THAT A CAUSE OF ACTION AGAINST A LOCAL GOVERNMENT ARISING OUT OF A CONTRACT TO IMPROVE REAL PROPERTY OTHERWISE BARRED BY THE STATUTE OF LIMITATIONS MAY BE COMMENCED NO LATER THAN NINETY DAYS AFTER SUBSTANTIAL COMPLETION OF THE CONSTRUCTION.* Eliminates amendment to GS 1-15(d) and replaces it with an amendment to GS 1-53(1). Provides that the existing two-year statute of limitation on civil actions against local governments arising out of contract does not operate to limit certain actions on contracts for improvement of real property. States that such actions are not limited if commenced (1) no later than ninety days after substantial completion of the contract as long as the claimant gives notice of the claim as required by the contract or (2) within ninety days after the date the contract is terminated by either party. Specifies that "substantial completion" has the same meaning as in GS 1-50(a)(5)c. States that the amendment does not revive claims previously barred under GS 1-53(1).

July 29, 2008

**SL 2008-139 (H 1284). BREACH/CONSTRUCTION CONTRACT ACCRUAL DATE.** *AN ACT TO PROVIDE THAT A CAUSE OF ACTION AGAINST A LOCAL GOVERNMENT ARISING OUT OF A CONTRACT TO IMPROVE REAL PROPERTY OTHERWISE BARRED BY THE STATUTE OF LIMITATIONS MAY BE COMMENCED NO LATER THAN NINETY DAYS AFTER SUBSTANTIAL COMPLETION OF THE CONSTRUCTION.* Summarized in *Daily Bulletin* 4/2/07, 4/26/07, and 7/1/08. Enacted July 28, 2008. Effective July 28, 2008.