
STATUTE OF REPOSE

THE FOLLOWING EXCERPTS FROM THE ARIZONA REVISED STATUTES ARE LAWS AFFECTING ARIZONA INITIATED AND SECURED FOR OUR INDUSTRY. FOR FURTHER DETAILS REGARDING LAWS IN THE STATE OF ARIZONA, GO TO [HTTP://WWW.AZLEG.GOV](http://www.azleg.gov)

TITLE 12 COURTS & CIVIL PROCEEDINGS

CHAPTER 5 - LIMITATIONS OF ACTIONS

ARTICLE 3 – PERSONAL ACTIONS

12-552. ACTIONS INVOLVING DEVELOPMENT OF REAL PROPERTY DESIGN, ENGINEERING AND CONSTRUCTION OF IMPROVEMENTS

A. Notwithstanding any other statute, no action or arbitration based in contract may be instituted or maintained against a person who develops or develops and sells real property, or performs or furnishes the design, specifications, surveying, planning, supervision, testing, construction or observation of construction of an improvement to real property more than eight years after substantial completion of the improvement to real property.

B. Notwithstanding subsection A of this section, in the case of injury to real property or an improvement to real property, if the injury occurred during the eighth year after the substantial completion, or, in the case of a latent defect, was not discovered until the eighth year after substantial completion, an action to recover damages for injury to the real property may be brought within one year after the date on which the injury to real property or an improvement to real property occurred or a latent defect was discovered, but in no event may an action be brought more than nine years after the substantial completion of the improvement.

C. The limitations in subsections A and B of this section include any action based on implied warranty arising out of the contract or the construction, including implied warranties of habitability, fitness or workmanship.

D. Nothing in this section applies to actions for personal injury or death nor shall this section operate to shorten the period of warranty provided in an express written warranty.

E. For the purposes of subsections A, B and C of this section, an improvement to real property is considered substantially complete when any of the following first occurs:

1. It is first used by the owner or occupant of the improvement.
2. It is first available for use after having been completed according to the contract or agreement covering the improvement, including agreed changes to the contract or agreement.
3. Final inspection, if required, by the governmental body which issued the building permit for the improvement.

F. In this section an action based in contract is an action based on a written real estate contract, sales agreement, construction agreement, conveyance or written agreement for

construction or for the services set forth in subsection A of this section. This section shall not be construed to extend the period prescribed by the laws of this state for bringing any action. If a shorter period of limitation is prescribed for a specific action, the shorter period governs.

G. With respect to an improvement to real property that was substantially complete on or before September 15, 1989, the eight and nine-year periods established in subsections A and B of this section shall begin to run on September 15, 1989. Notwithstanding the provisions of subsection E of this section and section 12-505, subsection A, this subsection applies to claims that accrued before the effective date of this amendment to this section.