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SENATE BILL 14

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO CONSTRUCTION PROJECTS; PROVIDING AN EXCEPTION TO
THE TEN-YEAR LIMITATION ON ACTIONS FOR DEFECTIVE OR UNSAFE
CONDITIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 37-1-27 NMSA 1978 (being Laws 1967,
Chapter 193, Section 1) is amended to read:

"37-1-27. CONSTRUCTION PROJECTS--LIMITATION ON ACTIONS
FOR DEFECTIVE OR UNSAFE CONDITIONS--EXCEPTIONS.--

A. No action to recover damages for any injury to
property, real or personal, or for injury to the person or for
bodily injury or wrongful death arising out of the defective or
unsafe condition of a physical improvement to real property
~~[nor any]~~ and no action for contribution or indemnity for
damages so sustained against any person performing or

.204495.3

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 furnishing the construction or the design, planning,
2 supervision, inspection or administration of construction of
3 ~~[such]~~ the improvement to real property and on account of such
4 activity shall be brought after ten years from the date of
5 substantial completion of ~~[such]~~ the improvement; provided that
6 this limitation shall not apply to any action:

7 (1) in which the plaintiff claims that the
8 defendant knew or should have known that the defendant's
9 construction, design, planning, supervision, inspection or
10 administration of construction involved the use of defective or
11 unsafe construction materials or products; or

12 (2) based on a contract, warranty or guarantee
13 [which] that contains express terms inconsistent [herewith]
14 with the provisions of this section.

15 B. The "date of substantial completion" ~~[shall~~
16 ~~mean]~~ means the date when construction is sufficiently
17 completed so that the owner can occupy or use the improvement
18 for the purpose for which it was intended or the date on which
19 the owner does so occupy or use the improvement or the date
20 established by the contractor as the date of substantial
21 completion, whichever date occurs last."

22 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
23 provisions of this act is July 1, 2017.