

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 237

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO CIVIL ACTIONS; INCLUDING SURVEYING IN THE  
LIMITATIONS ON ACTIONS FOR CONSTRUCTION PROJECTS.

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.--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 furnishing the construction or the design,  
planning, surveying, supervision, inspection or administration

.214296.1

underscored material = new  
[bracketed material] = delete

1 of construction of [~~such~~] the improvement to real property and  
2 on account of such activity shall be brought after ten years  
3 from the date of substantial completion of [~~such~~] the  
4 improvement or work. Provided, this limitation shall not apply  
5 to any action based on a contract, warranty or guarantee  
6 [~~which~~] that contains express terms inconsistent [~~herewith~~]  
7 with the provisions of this section. The "date of substantial  
8 completion" [~~shall mean~~] means the date when construction is  
9 sufficiently completed so that the owner can occupy or use the  
10 improvement for the purpose for which it was intended or the  
11 date on which the owner does so occupy or use the improvement  
12 or the date established by the contractor as the date of  
13 substantial completion, whichever date occurs last."