

1995 SESSION

INTRODUCED

LD8815152

HOUSE BILL NO. 2607

Offered January 26, 1995

A BILL to amend and reenact § 8.01-250 of the Code of Virginia, relating to limitation on action for damage to property; breach of contract.

Patrons—Bennett, Clement and Davies; Senators: Calhoun and Reasor

Consent to introduce

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-250 of the Code of Virginia is amended and reenacted as follows:

§ 1-250. Limitation on certain actions for damages arising out of defective or unsafe condition of improvements to real property.

§ A. Except as provided in subsections B and C, no action, whether sounding in tort or contract, law or equity, to recover for any injury to property, real or personal, or for bodily injury or wrongful death, or for breach of contract, arising out of the defective and or unsafe condition of an improvement to real property, nor any action for contribution or indemnity for damages sustained as a result of such injury or breach of contract, shall be brought against any person performing or furnishing the design, planning, surveying, supervision of construction, or construction of such improvement to real property more than five years after the performance of furnishing of such services and construction.

B. The limitation prescribed in this section subsection A shall not apply to the manufacturer or supplier of any equipment or machinery or other articles installed in a structure upon real property, nor to any person in actual possession and in control of the improvement as owner, tenant or otherwise at the time the defective or unsafe condition of such improvement constitutes the proximate cause of the injury or damage for which the action is brought; rather each such action shall be brought within the time next after such injury occurs as provided in §§ 8.01-243 and 8.01-246.

C. The limitation prescribed in subsection A also shall not apply to any written warranty or indemnity agreement that by its express terms confers rights and obligations of greater duration.

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