

House Bill 704

By: Representative Caldwell of the 20th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 3 of Title 9 of the Official Code of Georgia Annotated,
2 relating to limitations of actions on recovery for deficiencies connected with improvements
3 to realty and resulting injuries, so as to change when the statute of limitations shall accrue
4 for certain actions arising from the burial of construction waste or materials; to provide for
5 related matters; to provide for applicability; to repeal conflicting laws; and for other
6 purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Article 3 of Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to
10 limitations of actions on recovery for deficiencies connected with improvements to realty and
11 resulting injuries, is amended by revising Code Section 9-3-51, relating to limitations on
12 recovery for deficiency in planning, supervising, or constructing improvement to realty or
13 for resulting injuries to property or person, as follows:

14 "9-3-51.

15 (a) No action to recover damages:

16 (1) For any deficiency in the survey or plat, planning, design, specifications, supervision
17 or observation of construction, or construction of an improvement to real property;

18 (2) For injury to property, real or personal, arising out of any such deficiency; or

19 (3) For injury to the person or for wrongful death arising out of any such deficiency

20 shall be brought against any person performing or furnishing the survey or plat, design,
21 planning, supervision or observation of construction, or construction of such an
22 improvement more than eight years after substantial completion of such an improvement.

23 (b) Notwithstanding subsection (a) of this Code section, in the case of such an injury to
24 property or the person or such an injury causing wrongful death, which injury occurred
25 during the seventh or eighth year after such substantial completion, an action in tort to
26 recover damages for such an injury or wrongful death may be brought within two years

27 after the date on which such injury occurred, irrespective of the date of death, but in no
28 event may such an action be brought more than ten years after the substantial completion
29 of construction of such an improvement.

30 (c) Notwithstanding subsections (a) and (b) of this Code section, the provisions of Code
31 Section 9-3-30, or any other law, all causes of action for trespass upon or damage to real
32 property due to the burying of construction waste or materials shall accrue when the
33 trespass upon or damage to the real property is discovered or, in the exercise of reasonable
34 diligence, should have been discovered, whichever first occurs. An action in tort to recover
35 damages for such trespass upon or damage to real property shall be brought within two
36 years after such cause of action accrues. This subsection shall apply to causes of action
37 which had not expired under the former law before July 1, 2018, but shall not revive any
38 cause of action which was barred by former law before July 1, 2018."

39

SECTION 2.

40 All laws and parts of laws in conflict with this Act are repealed.