

Senate Bill 451

By: Senators Kennedy of the 18th, Cowser of the 46th, Hufstetler of the 52nd, Ginn of the 47th and Ligon, Jr. of the 3rd

**AS PASSED SENATE**

**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 on recovery for deficiencies connected with improvements to realty  
3 and resulting injuries, so as to clarify actions that may be brought pursuant to Code  
4 Section 9-3-51 regarding deficiencies in connection with improvements to realty; to provide  
5 for 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 on recovery for deficiencies connected with improvements to realty and resulting  
11 injuries, is amended by revising Code Section 9-3-51, relating to limitations on recovery for  
12 deficiency in planning, supervising, or constructing improvement to realty or for resulting  
13 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) This Code section shall not apply to actions for breach of contract, including, but not  
31 limited to, actions for breach of express contractual warranties."

32 **SECTION 2.**

33 This Act shall apply to causes of action which have accrued on or after January 1, 1968.

34 **SECTION 3.**

35 All laws and parts of laws in conflict with this Act are repealed.