## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

H HOUSE DRH70349-LD-111A (03/08)

Short Title:	Limitation/Overturn ABL Plumbing/Heating Case.	(Public)
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Sponsors: Representative Stam.

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1 A BILL TO BE ENTITLED

AN ACT TO OVERTURN THE ABL PLUMBING & HEATING CASE AND TO PROVIDE THAT A CAUSE OF ACTION FOR BREACH OF CONTRACT OR BREACH OF WARRANTY ARISING OUT OF THE PERFORMANCE OF A CONSTRUCTION PROJECT TO IMPROVE REAL PROPERTY IS DEEMED TO ACCRUE AT THE TIME OF THE OCCURRENCE OF THE BREACH OR UPON SUBSTANTIAL COMPLETION OF THE CONSTRUCTION, WHICHEVER OCCURS LATER.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 1-15 is amended by adding a new subsection to read:

- "(d) A cause of action for breach of contract or breach of warranty, whether express or implied, arising out of the performance of a construction project to improve real property shall be deemed to accrue at the time of the occurrence of the breach or upon substantial completion of the construction, whichever is later. As used in this subsection, 'substantial completion' has the same meaning as in G.S. 1-50."
- SECTION 2. This act is effective when it becomes law, applies to actions filed on or after that date, and does not revive claims previously barred under G.S. 1-15.