

SENATE No. 1006

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to statutes of repose.

PETITION OF:

NAME:

Diana DiZoglio

DISTRICT/ADDRESS:

First Essex

SENATE No. 1006

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 1006) of Diana DiZoglio for legislation relative to statutes of repose. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 930 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to statutes of repose.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 2B of chapter 260 of the Massachusetts General Laws is hereby
2 amended:-

3 In the first paragraph, in the phrase, “no more than six years after the earlier date”, the
4 number ten shall replace six:

5 “Action of tort for damages arising out of any deficiency or neglect in the design,
6 planning, construction or general administration of an improvement to real property, other than
7 that of a public agency as defined in section thirty-nine A of chapter seven shall be commenced
8 only within three years next after the cause of action accrues; provided, however, that in no event
9 shall such actions be commenced more than six years after the earlier of the dates of: (1) the

10 opening of the improvement to use; or (2) substantial completion of the improvement and the
11 taking of possession for occupancy by the owner.”

12 In the second paragraph, in the phrase, “more than six years”, the number six shall be
13 replaced with the number ten:

14 “Actions of tort for damages arising out of any deficiency or neglect in the design,
15 planning, construction, or general administration of an improvement to real property of a public
16 agency, as defined in said section thirty-nine A shall be commenced only within three years next
17 after the cause of action accrues; provided, however, that in no event shall actions be
18 commenced more than six years after the earlier of the dates of: (1) official acceptance of the
19 project by the public agency; (2) the opening of the real property to public use; (3) the
20 acceptance by the contractor of a final estimate prepared by the public agency pursuant to
21 chapter thirty, section thirty-nine G; or (4) substantial completion of the work and the taking
22 possession for occupancy by the awarding authority.”

23 SECTION 2. Chapter 114 is hereby amended to add after section 92:-

24 SECTION 92A. Any extension of a statute of repose or limitations related to filing claims
25 pursuant to a state or local building code shall enlarge the opportunity for any person either to
26 raise a timely claim based upon a violation of that code in court or to file a timely complaint
27 against any contractor who performed the act or omission which is the subject of said building
28 code or both.