

STATE OF NEW YORK

2146--A

2025-2026 Regular Sessions

IN SENATE

January 15, 2025

Introduced by Sens. COONEY, GRIFFO, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee, ordered to first and second report, ordered to a third reading -- reported favorably from said committee and committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to providing a statute of limitations for certain actions against professional engineers, architects, landscape architects, land surveyors, geologists and construction contractors and to repeal section 214-d, subdivision (h) of rule 3211 and subdivision (i) of rule 3212 of the civil practice law and rules relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Statement of findings and purpose. The legislature finds
2 that (a) the open-ended and continuing liability imposed upon members of
3 the design professions and construction contractors, due to alleged
4 deficiencies relating to improvements to real property, has resulted in
5 an unfair burden on such professionals and a general increase in the
6 cost of both public and private improvements to real property, (b) the
7 cost of maintaining adequate insurance coverage is so expensive that a
8 significant number of design professionals and construction contractors
9 are forced to forego insurance coverage altogether to the detriment of
10 the public's safety and welfare. The legislature further finds that the
11 best designed and constructed improvement is dependent upon proper main-
12 tenance to preserve its integrity and safety and it is thus of impor-
13 tance to the public safety and welfare to ensure than an owner maintains
14 and repairs that which is the property of the owner. The legislature
15 therefore finds that it is necessary and desirable to establish a time
16 limit after which tort claims for personal injury or wrongful death may

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 not be asserted against such professionals and contractors. That statute
2 of repose set forth herein, with a claim accruing on the date that the
3 improvement was completed, will preserve the liability of the profes-
4 sional and contractor during a period in which the defects, if any, will
5 be revealed, and therefore will establish an appropriate limit on
6 liability, while affording adequate protection to the public.

7 § 2. Section 214-d of the civil practice law and rules is REPEALED and
8 a new section 214-d is added to read as follows:

9 § 214-d. Limitations on certain actions against professional engi-
10 neers, architects, landscape architects, land surveyors, geologists or
11 construction contractors. 1. Except as otherwise provided in subdivision
12 two of this section, no action to recover damages for injury to the
13 person or for wrongful death or for damage to property nor any action
14 for contribution or indemnity for damages sustained on account of such
15 injury or wrongful death or damage to property arising from any defect
16 in the structure or improvement resulting from the design, planning, or
17 supervision of construction of an improvement to real property shall be
18 brought against a professional engineer, architect, landscape architect,
19 land surveyor, geologist or construction contractor more than ten years
20 after the completion of such improvement.

21 2. If, by reason of such defect, an injury to the person or an injury
22 causing wrongful death or damages to property occurs during the tenth
23 year after completion, an action to recover damages for such injury or
24 wrongful death or damage to property may be brought within one year
25 after the date on which such injury occurred, but in no event may such
26 action be brought more than eleven years after the completion of the
27 improvement.

28 3. The limitations prescribed by this section shall not apply to
29 actions brought by one in contractual or professional privity with the
30 engineer, architect, landscape architect, land surveyor, geologist or
31 construction contractor and shall not be asserted by way of defense by
32 any person in actual possession or control as owner, tenant, or other-
33 wise, of such an improvement at the time any defect in such improvement
34 constitutes the proximate cause of the injury or death for which it is
35 proposed to bring an action.

36 4. For purposes of this section an improvement shall be deemed to be
37 "completed" (a) when, after the improvement has been started, a perma-
38 nent certificate of occupancy is issued by the municipality in which the
39 improvement is situated, if such is required or is actually issued
40 pursuant to law or regulation; or (b) if a public improvement, upon the
41 acceptance of the improvement by the owner, if a certificate of occupan-
42 cy is not required and has not been issued or (c) on the earlier of the
43 following dates, if the provisions of paragraphs (a) and (b) of this
44 subdivision do not apply (i) four months prior to the last day on which
45 mechanic's lien, resulting from work performed or materials furnished
46 with respect to such improvement, can be filed; or (ii) upon the owner's
47 final payment for services rendered or materials supplied with respect
48 to such improvement.

49 5. An architect, engineer, landscape architect, geologist, or land
50 surveyor shall mean a person licensed or registered as an architect,
51 engineer, landscape architect, geologist or land surveyor, pursuant to
52 the provisions of the education law or any partnership or corporation
53 lawfully performing architectural, engineering, landscape architectural,
54 geological or surveying services.

55 § 3. Subdivisions 4 and 5 of section 214 of the civil practice law and
56 rules, subdivision 4 as separately amended by chapters 485 and 682 of

1 the laws of 1986, subdivision 5 as amended by chapter 729 of the laws of
2 2021, are amended to read as follows:

3 4. an action to recover damages for an injury to property except as
4 provided in ~~[section]~~ sections 214-c and 214-d;

5 5. an action to recover damages for a personal injury except as
6 provided in sections 214-b, 214-c, 214-d, 214-i and 215;

7 § 4. Subdivision (h) of rule 3211 and subdivision (i) of rule 3212 of
8 the civil practice law and rules are REPEALED.

9 § 5. Nothing contained in this act shall be construed as affecting
10 rights, obligations or duties arising under any contract entered into or
11 any cause of action resulting from an injury which occurred prior to the
12 effective date of this act.

13 § 6. This act shall take effect on the first of January next succeed-
14 ing the date on which it shall have become a law and shall apply to all
15 actions commenced on or after its effective date.