413.135 Action for damages arising out of injury.

(1) No action to recover damages, whether based upon contract or sounding in tort, resulting from or arising out of any deficiency in the construction components, design, planning, supervision, inspection, or construction of any improvement to real property, or for any injury to property, either real or personal, arising out of such deficiency, or for injury to the person or for wrongful death arising out of any such deficiency, shall be brought against any person after the expiration of seven (7) years following the substantial completion of such improvement.

(2) Notwithstanding the provisions of subsection (1) of this section, in the case of such an injury to property or the person or wrongful death resulting from such injury, which injury occurred during the seventh year following substantial completion of such improvement, an action to recover damages for such injury or wrongful death may only be brought within one (1) year from the date upon which such injury occurred (irrespective of the date of death), but in no event may such an action be brought more than eight (8) years after the substantial completion of construction of such improvement.

(3) Nothing in this section shall be construed as extending the period prescribed by statute for the bringing of any action for damages.

(4) As used in this section, the term "person" shall mean an individual, corporation, partnership, business trust, unincorporated association, or joint stock company; the term "substantial completion" shall be construed to mean the date upon which the owner of the structure, project, or facility first entered upon the occupancy or commenced the use thereof.

Effective: July 13, 1990

History: Repealed and reenacted 1990 Ky. Acts ch. 425, sec. 4, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 479, sec. 1, effective July 15, 1986. -- Created 1966 Ky. Acts ch. 246, sec. 1.

Legislative Research Commission Note. Subsection (1) of this section was amended in 1986 Acts Ch. 479, Section 1, to extend the period of time in which certain actions may be brought from five to seven years. Inadvertently, when the period of time was extended by committee amendment, subsection (2) was not amended to conform. Pursuant to KRS 7.136, the Reviser of Statutes has made a technical correction in order to make the subsections consistent.