

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE BILL 1284**

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

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Sponsors: Representatives Stam; and Faison.

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Referred to: Commerce, Small Business and Entrepreneurship, if favorable, Judiciary I.

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April 3, 2007

A BILL TO BE ENTITLED

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

9 The General Assembly of North Carolina enacts:

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

11 "(d) A cause of action for breach of contract or breach of warranty, whether  
12 express or implied, arising out of the performance of a construction project to improve  
13 real property shall be deemed to accrue at the time of the occurrence of the breach or  
14 upon substantial completion of the construction, whichever is later. As used in this  
15 subsection, 'substantial completion' has the same meaning as in G.S. 1-50."

16 **SECTION 2.** This act is effective when it becomes law, applies to actions  
17 filed on or after that date, and does not revive claims previously barred under G.S. 1-15.