

VETOES

any architect, professional engineer, or contractor for damages incurred when wrongful death, personal injury, or injury to real or personal property, resulting from the defective and unsafe condition of an improvement to real property, occurs more than 10 years after the date the entire improvement first became available for its intended use.

~~(e) (D) Upon accrual of a cause of action referred to in subsections (a) and (b) (B) AND (C), an action shall be filed within 3 years.~~

~~(d) (E) This section does not apply if the defendant {was}~~

~~(1) WAS in actual possession and control of the property as owner, tenant, or otherwise when the injury occurred; OR~~

~~(2) IS A MANUFACTURER OR SUPPLIER OF ANY MATERIALS, EQUIPMENT, MACHINERY, OR OTHER ARTICLES THAT ARE PART OF AN IMPROVEMENT TO REAL PROPERTY.~~

(F) (1) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO A CAUSE OF ACTION AGAINST A MANUFACTURER FOR DAMAGES FOR:

(I) WRONGFUL DEATH OR PERSONAL INJURY THAT RESULTS FROM A LATENT DISEASE;

(II) WRONGFUL DEATH OR PERSONAL INJURY THAT RESULTS FROM AN OCCUPATIONAL DISEASE; OR

(III) INJURY TO REAL OR PERSONAL PROPERTY THAT RESULTS FROM A DEFECTIVE AND UNSAFE CONDITION OF AN IMPROVEMENT TO REAL PROPERTY, IF:

1. THE DEFECTIVE AND UNSAFE CONDITION IS CAUSED BY ASBESTOS OR AN ARTICLE THAT CONTAINS ASBESTOS; AND

2. THE ASBESTOS, OR THE ARTICLE THAT CONTAINS ASBESTOS, IS PART OF AN IMPROVEMENT TO REAL PROPERTY.

~~(2) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO A SUPPLIER OF MATERIAL, EQUIPMENT, MACHINERY, OR ANOTHER ARTICLE THAT IS PART OF AN IMPROVEMENT TO REAL PROPERTY, IF THE SUPPLIER KNEW OR SHOULD HAVE KNOWN THAT THE ARTICLE WAS IN A DEFECTIVE CONDITION OR WAS UNREASONABLY DANGEROUS.~~

(2) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO A CAUSE OF ACTION AGAINST A SUPPLIER OF MATERIAL, EQUIPMENT, MACHINERY, OR ANOTHER ARTICLE THAT IS PART OF AN IMPROVEMENT TO REAL PROPERTY IF:

(I) THE SUPPLIER KNEW OR SHOULD HAVE KNOWN THAT THE ARTICLE WAS IN A DEFECTIVE CONDITION OR WAS UNREASONABLY DANGEROUS; AND