

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 12.**  
**RIGHT TO REMEDY.**

**CHAPTER 3.**  
**LIMITATION OF ACTIONS.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 3. LIMITATION OF ACTIONS.

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# CHAPTER 3. LIMITATION OF ACTIONS.

## § 12-301. LIMITATION OF TIME FOR BRINGING ACTIONS.

Except as otherwise specifically provided by law, actions for the following purposes may not be brought after the expiration of the period specified below from the time the right to maintain the action accrues:

- (1) for the recovery of lands, tenements, or hereditaments -- 15 years;
- (2) for the recovery of personal property or damages for its unlawful detention -- 3 years;
- (3) for the recovery of damages for an injury to real or personal property -- 3 years;
- (4) for libel, slander, assault, battery, mayhem, wounding, malicious prosecution, false arrest or false imprisonment -- 1 year;
- (5) for a statutory penalty or forfeiture -- 1 year;
- (6) on an executor's or administrator's bond -- 5 years; on any other bond or single bill, covenant, or other instrument under seal -- 12 years;
- (7) on a simple contract, express or implied -- 3 years;
- (8) for which a limitation is not otherwise specially prescribed -- 3 years;
- (9) for a violation of § 7-1201.01(11);
- (10) for the recovery of damages for an injury to real property from toxic substances including products containing asbestos -- 5 years from the date the injury is discovered or with reasonable diligence should have been discovered;
- (11) for the recovery of damages arising out of sexual abuse that occurred while the victim was a minor -- 7 years from the date that the victim attains the age of 18, or 3 years from when the victim knew, or reasonably should have known, of any act constituting abuse, whichever is later.

This section does not apply to actions for breach or contracts for sale governed by § 28:2-725, nor to actions brought by the District of Columbia government.

(Dec. 23, 1963, 77 Stat. 510, Pub. L. 88-241, § 1; Aug. 30, 1964, 78 Stat. 677, Pub. L. 88-509, § 2; Mar. 3, 1979, D.C. Law 2-136, § 805(c), 25 DCR 5055; Feb. 28, 1987, D.C. Law 6-202, § 3, 34 DCR 527; Apr. 30, 1988, D.C. Law 7-104, § 2(a), 35 DCR 147; Mar. 13, 2004, D.C. Law 15-105, § 99, 51 DCR 881; Mar. 25, 2009, D.C. Law 17-368, § 2, 56 DCR 1338.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 12-301.

1973 Ed., § 12-301.

#### *Effect of Amendments*

D.C. Law 15-105, in par. (9), substituted "§ 7-1201.01(11)" for "the District of Columbia Mental Health Information Act of 1978 (D.C. Official Code, sec. 7-1201.01 *et seq.*)".

L.C. Law 17-368 added par. (11).

#### *Legislative History of Laws*

Law 2-136, the "District of Columbia Mental Health Information Act of 1978," was introduced in Council and assigned Bill No. 2-144, which was referred to the Committee on the Judiciary. The Bill was adopted on first, amended first, second amended first, and second readings on July 11, 1978, July 25, 1978, September 19, 1978, July 25, 1978, September 19, 1978 and October 3, 1978, respectively. Signed by the Mayor on November 1, 1978, it was assigned Act No. 2-292 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 6-202, see Historical and Statutory Notes following § 12-311.

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was Adopted on first and second readings on

November 24, 1987, and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

Law 15-105, the "Technical Amendments Act of 2003", was introduced in Council and assigned Bill No. 15-437, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 2003, and December 2, 2003, respectively. Signed by the Mayor on January 6, 2004, it was assigned Act No. 15-291 and transmitted to both Houses of Congress for its review. D.C. Law 15-105 became effective on March 13, 2004.

Law 17-368, the "Intrafamily Offenses Act of 2008", was introduced in Council and assigned Bill No. 17-55 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 22, 2009, it was assigned Act No. 17-703 and transmitted to both Houses of Congress for its review. D.C. Law 17-368 became effective on March 25, 2009.

## **§ 12-302. DISABILITY OF PLAINTIFF.**

(a) Except as provided by subsection (b) of this section, when a person entitled to maintain an action is, at the time the right of action accrues:

- (1) under 18 years of age; or
- (2) non compos mentis; or
- (3) imprisoned --

he or his proper representative may bring action within the time limited after the disability is removed.

(b) When a person entitled to maintain an action for the recovery of lands, tenements, or hereditaments, or upon an instrument under seal, is under any of the disabilities specified by subsection (a) of this section at the time the right of action accrues, he or his proper representative, except where otherwise specified herein, may bring the action within 5 years after the disability is removed, and not thereafter.

(Dec. 23, 1963, 77 Stat. 510, Pub. L. 88-241, § 1; Mar. 16, 1978, D.C. Law 2-61, § 2, 24 DCR 6011.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 12-302.

1973 Ed., § 12-302.

#### *Legislative History of Laws*

Law 2-61, the "An Amendment to the District of Columbia Age of Majority Act," was introduced in Council and assigned Bill No. 2-165, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on September 13, 1977 and October 11, 1977, respectively. Signed by the Mayor on January 11, 1978, it was assigned Act No. 2-131 and transmitted to both Houses of Congress for its review.

## **§ 12-303. ABSENCE OR CONCEALMENT OF DEFENDANT.**

(a) When a person who is a resident of the District of Columbia is out of the District or has absconded or concealed himself at the time a cause of action accrues against him, the period limited for the bringing of the action does not begin to run until he comes into the District or while he is so absconded or concealed.

(b) When such a person absconds or conceals himself after the cause of action accrues, the time of his absence or concealment may not be computed as a part of the period within which the action must be brought.

(Dec. 23, 1963, 77 Stat. 511, Pub. L. 88-241, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 12-303.

1973 Ed., § 12-303.

## **§ 12-304. ACTIONS STAYED BY COURT OR STATUTE.**

When the bringing of an action is stayed by an injunction or other order of a court of justice, or by statutory prohibition, the time of the stay may not be computed as a part of the period within which the action must

be brought.

(Dec. 23, 1963, 77 Stat. 511, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 12-304.

1973 Ed., § 12-304.

**§ 12-305. ACTIONS AGAINST DECEDENTS' ESTATES.**

In an action against the estate of a deceased person, the interval, not exceeding two years, between the death of the deceased and 6 months after the date of the first publication of notice of the appointment of a personal representative under section 20-704 may not be computed as a part of the period within which the action must be brought.

(Dec. 23, 1963, 77 Stat. 511, Pub. L. 88-241, § 1; June 24, 1980, D.C. Law 3-72, § 202(a), 27 DCR 2155.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 12-305.

1973 Ed., § 12-305.

*Legislative History of Laws*

Law 3-72, the "District of Columbia Probate Reform Act of 1980," was introduced in Council and assigned Bill No. 3-91, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on April 1, 1980 and April 22, 1980, respectively. Signed by the Mayor on May 7, 1980, it was assigned Act No. 3-181 and transmitted to both Houses of Congress for its review.

**§ 12-306. DIRECTIONS AS TO DEBTS IN A WILL. [REPEALED]**

(June 24, 1980, D.C. Law 3-72, § 202(b), 27 DCR 2155.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 12-306.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 12-305.

**§ 12-307. FOREIGN JUDGMENTS.**

An action upon a judgment or decree rendered in a State, territory, commonwealth or possession of the United States or in a foreign country is barred if by the laws of that jurisdiction, the action would there be barred and the judgment or decree would be incapable of being otherwise enforced there.

(Dec. 23, 1963, 77 Stat. 511, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 12-307.

1973 Ed., § 12-307.

**§ 12-308. ACTIONS BY THE UNITED STATES.**

Sections 12-301, 12-302, 12-305, and 12-307 do not apply to an action in which the United States is the real and not merely the nominal plaintiff.

(Dec. 23, 1963, 77 Stat. 511, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 12-308.

1973 Ed., § 12-308.

**§ 12-309. ACTIONS AGAINST DISTRICT OF COLUMBIA FOR UNLIQUIDATED DAMAGES; TIME FOR NOTICE.**

An action may not be maintained against the District of Columbia for unliquidated damages to person or property unless, within six months after the injury or damage was sustained, the claimant, his agent, or attorney has given notice in writing to the Mayor of the District of Columbia of the approximate time, place, cause, and circumstances of the injury or damage. A report in writing by the Metropolitan Police Department, in regular course of duty, is a sufficient notice under this section.

(Dec. 23, 1963, 77 Stat. 511, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 551, Pub. L. 91-358, title I, § 141(2); Apr. 30, 1988, D.C. Law 7-104, § 2(b), 35 DCR 147.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 12-309.

1973 Ed., § 12-309.

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3 of District of Columbia Employee Non-Liability and Notice of Claim Clarification Emergency Amendment Act of 2002 (D.C. Act 14-499, October 23, 2002, 49 DCR 10022).

*Legislative History of Laws*

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987, and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

*Delegation of Authority*

Delegation of Duty to Receive Notice Under D.C. Code § 12-309, see Mayor's Order 2000-167, November 2, 2000 (47 DCR 9533).

*Miscellaneous Notes*

Delegation of Duty to Receive Notice under D.C. Official Code § 12-309, see Mayor's Order 2004-10, January 20, 2004 (51 DCR 1455).

Handling of Legal Correspondence, see Mayor's Order 2004-77, May 14, 2004 (51 DCR 5280).

**§ 12-310. ACTIONS ARISING OUT OF DEATH OR INJURY CAUSED BY DEFECTIVE OR UNSAFE IMPROVEMENTS TO REAL PROPERTY.**

(a)(1) Except as provided in subsection (b), any action --

(A) to recover damages for --

- (i) personal injury,
- (ii) injury to real or personal property, or
- (iii) wrongful death,

resulting from the defective or unsafe condition of an improvement to real property, and

(B) for contribution or indemnity which is brought as a result of such injury or death,

shall be barred unless in the case where injury is the basis of such action, such injury occurs within the ten-year period beginning on the date the improvement was substantially completed, or in the case where death is the basis of such action, either such death or the injury resulting in such death occurs within such ten-year period.

(2) For purposes of this subsection, an improvement to real property shall be considered substantially completed when --

(A) it is first used, or

(B) it is first available for use after having been completed in accordance with the contract or agreement covering the improvement, including any agreed changes to the contract or agreement, whichever occurs first.

(b) The limitation of actions prescribed in subsection (a) shall not apply to --

- (1) any action based on a contract, express or implied, or
- (2) any action brought against the person who, at the time the defective or unsafe condition of the improvement to real property caused injury or death, was the owner of or in actual possession or control of such real property, or
- (3) any manufacturer or supplier of any equipment or machinery or other articles installed in a structure upon real property, or
- (4) any action brought by the District of Columbia government.

(Oct. 27, 1972, 86 Stat. 1275, Pub. L. 92-579, § 1(a); 1973, Ed., § 12-310; Feb. 28, 1987, D.C. Law 6-202, § 4, 34 DCR 527.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 12-310.

##### *Legislative History of Laws*

For legislative history of D.C. Law 6-202, see Historical and Statutory Notes following § 12-311.

### **§ 12-311. ACTIONS ARISING OUT OF DEATH OR INJURY CAUSED BY EXPOSURE TO ASBESTOS.**

(a) In any civil action for injury or illness based upon exposure to asbestos, the time for the commencement of the action shall be the later of the following:

- (1) Within one year after the date the plaintiff first suffered disability;
- (2) Within one year after the date the plaintiff either knew, or through the exercise of reasonable diligence should have known, that the disability was caused or contributed to by the exposure; or
- (3) Three years from the time the right to maintain the action accrues.

(b) "Disability" as used in subsection (a) of this section means the loss of time from work as a result of the exposure that precludes the performance of the employee's regular occupation.

(c) In an action for the wrongful death of any plaintiff's decedent, based upon exposure to asbestos, the time for commencement of an action shall be the later of the following:

- (1) Within 2 years from the date of the death of the plaintiff's decedent; or
- (2) Within 2 years from the date the plaintiff first knew, or through the exercise of reasonable diligence should have known, that the death was caused or contributed to by the exposure.

(Feb. 28, 1987, D.C. Law 6-202, § 5, 34 DCR 527; June 3, 2011, D.C. Law 18-377, § 3, 58 DCR 1174; Oct. 22, 2012, D.C. Law 19-177, § 2, 59 DCR 9353.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 12-311.

##### *Effect of Amendments*

D.C. Law 18-377, in subsec. (a), deleted "or" from the end of par. (1), substituted "; or" for a period the end of par. (2), and added par. (3).

D.C. Law 19-177, in subsecs. (c)(1) and (2), substituted "2 years" from "one year".

##### *Temporary Amendments of Section*

Section 2 of D.C. Law 18-297 added subsec. (d) to read as follows:

"(d) A plaintiff in an asbestos-injury action shall have the longer of the limitation period prescribed by subsection (a) of this section or the limitation period prescribed by § 12-301(8)."

Section 4(b) of D.C. Law 18-297 provides that the act shall expire after 225 days of its having taken effect.

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2 of Asbestos Statute of Limitations Clarification Emergency Act of 2010 (D.C. Act 18-585, October 20, 2010, 57 DCR 10134).

For temporary (90 day) amendment of section, see § 503 of Public Safety Legislation Sixty-Day Layover Emergency Amendment Act of 2010 (D.C. Act 18-693, January 18, 2011, 58 DCR 640).

For temporary (90 day) amendment of section, see § 503 of Public Safety Legislation Sixty-Day Layover Congressional Review Emergency Amendment Act of 2011 (D.C. Act 19-45, April 20, 2011, 58 DCR 3701).

*Legislative History of Laws*

Law 6-202, the "District of Columbia Statute of Limitations Amendment Act of 1986," was introduced in Council and assigned Bill No. 6-510, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 25, 1986 and December 16, 1986, respectively. Signed by the Mayor on January 8, 1987, it was assigned Act No. 6-261 and transmitted to both Houses of Congress for its review.

Law 18-377, the "Criminal Code Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-963, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on February 2, 2011, it was assigned Act No. 18-722 and transmitted to both Houses of Congress for its review. D.C. Law 18-377 became effective on June 3, 2011.

Law 19-177, the "Wrongful Death Act of 2012", was introduced in Council and assigned Bill No. 19-717, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 26, 2012, and July 10, 2012, respectively. Signed by the Mayor on July 25, 2012, it was assigned Act No. 19-416 and transmitted to both Houses of Congress for its review. D.C. Law 19-177 became effective on October 22, 2012.