

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 531

(Senator Forehand, *et al.*)

Judicial Proceedings

Judiciary

Civil Actions - Limitation of Actions - Land Surveyors

This bill reduces the time in which a person may seek recovery for damages incurred for an error in a survey of land from 15 to 10 years after the survey, or within 3 years after the discovery of the error, whichever occurs first.

The bill applies prospectively to causes of action arising on or after the bill's October 1, 2010 effective date.

Fiscal Summary

State Effect: None. The bill is procedural in nature and is not expected to materially affect State finances.

Local Effect: None. The bill is procedural in nature and is not expected to materially affect local finances.

Small Business Effect: The bill would reduce the time period in which certain lawsuits could be brought against surveyors, but its effect on small businesses is expected to be minimal.

Analysis

Current Law: No cause of action accrues and a person may not seek contribution or indemnity for damages incurred for an error in a survey of land unless an action for damages is brought within 15 years of the survey, or within 3 years after the discovery of the error, whichever occurs first.

Chapter 102 of 2005 reduced the time in which a person may seek recovery for damages incurred for an error in a survey of land from 20 to 15 years after the survey, or within 3 years after the discovery of the error, whichever occurs first.

Background: Several jurisdictions have 4 to 10 year statutes of repose for land surveyors, including Delaware (6 years), the District of Columbia (10 years), Virginia (5 years), West Virginia (10 years), and Tennessee (4 years).

Additional Information

Prior Introductions: HB 824 of 2007 received an unfavorable report from the House Judiciary Committee.

Cross File: HB 907 (Delegate Valderrama, *et al.*) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2010
ncs/kdm

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