

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 110
Judiciary

(Delegate Menes, *et al.*)

Judicial Proceedings

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 20 to 15 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, 2005 effective date.

Fiscal Summary

State Effect: None. The change is procedural in nature and is not expected to have a significant impact on judicial operations or expenditures.

Local Effect: None.

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: 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 20 years of the survey, or within three years after the discovery of the error, whichever occurs first.

There are statutes of repose for other professions, including health care providers and architects, engineers, and contractors. The filing of an action for damages arising out of

the failure of professional services by a health care provider is limited to the earlier of 5 years of the time the injury was committed or 3 years from the date the injury was discovered and the filing of an action against an architect, professional engineer, or contractor to 10 years from the date the improvements became available for the intended use.

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

Additional Information

Prior Introductions: HB 625 of 2003, an identical bill, received an unfavorable report from the Judiciary Committee.

Cross File: None. A similar bill, SB 14, was introduced in the Senate.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2005
mp/jr Revised - House Third Reader - March 25, 2005

Analysis by: Kineta A. Rotan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510