

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 14

(Senator Haines, *et al.*)

Judicial Proceedings

Judiciary

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Civil Actions - Limitation of Actions - Land Surveyors

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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 three 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.

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Fiscal Summary

**State Effect:** None. The change 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.

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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 3 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 rendering of or failure to render professional services by a health care provider is limited to the earlier of five years of the time the injury was committed or three years from the date the injury was discovered. An action against an architect, professional engineer, or contractor for damages resulting from the defective and unsafe condition of an improvement to real property must be filed within 10 years from the date the improvement became available for its 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).

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### **Additional Information**

**Prior Introductions:** An identical bill, SB 690 of 2004, was passed in the Senate; a hearing was scheduled in the House, but no further action was taken. HB 625 of 2003 received an unfavorable report from the House Judiciary Committee.

**Cross File:** None designated, although HB 110 is identical.

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

**Fiscal Note History:** First Reader - February 9, 2005  
ncs/jr Revised - Enrolled Bill - May 3, 2005

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