

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 824 (Delegate Shank)
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, 2007 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.

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 15 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 time period for filing an action for damages arising out of the failure of professional services by a health care provider is limited to the earlier of five years from 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 must be filed within 10 years from the date the improvements became available for the intended use.

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), New York (10 years) and Tennessee (4 years).

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 25, 2007
mll/jr

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