

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 907

(Delegate Valderrama, *et al.*)

Judiciary

Judicial Proceedings

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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 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.

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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.

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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).

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### **Additional Information**

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

**Cross File:** SB 531 (Senator Forehand, *et al.*) - Judicial Proceedings.

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

**Fiscal Note History:** First Reader - February 19, 2010  
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