

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 237 (Senator Muse)
Judicial Proceedings

**Civil Actions - Damage or Loss Related to Property Occurring After Completion
of Improvement to Real Property**

This bill replaces references to “injury” to real or personal property with “damage to or loss of” real or personal property in certain provisions of law related to causes of action for damages resulting from an injury to person or property occurring after completion of improvements to real property.

Fiscal Summary

State Effect: The bill is technical and does not materially affect State finances.

Local Effect: The bill is technical and does not materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: No cause of action for damages accrues and a person may not seek contribution or indemnity for damages incurred when wrongful death, personal injury, or injury to real or personal property resulting from the defective and unsafe condition of an improvement to real property occurs more than 20 years after the date the entire improvement first becomes available for its intended use.

A cause of action for damages does not accrue and a person may not seek contribution or indemnity from any architect, professional engineer, or contractor for damages incurred when wrongful death, personal injury, or injury to real or personal property, resulting from

the defective and unsafe condition of an improvement to real property, occurs more than 10 years after the date the entire improvement first became available for its intended use.

An action must be filed within three years after the accrual of a cause of action listed above. A cause of action for an injury described above accrues when the injury or damage occurs.

These provisions do not apply if:

- the defendant was in actual possession and control of the property as owner, tenant, or otherwise when the injury occurred;
- in a cause of action against a manufacturer or supplier for damages for personal injury or death caused by asbestos or a product that contains asbestos, the injury or death results from specified exposure to asbestos dust or fibers;
- in other causes of action for damages for personal injury or death caused by asbestos or a product that contains asbestos, the defendant is a manufacturer of a product that contains asbestos; or
- in a cause of action for damages for injury to real property that results from a defective and unsafe condition of an improvement to real property (1) the defendant is a manufacturer of a product that contains asbestos; (2) the damages to an improvement to real property are caused by asbestos or a product that contains asbestos; (3) the improvement first became available for its intended use after July 1, 1953; (4) the improvement is owned by a governmental entity and used for a public purpose or the improvement is a specified educational entity; and (5) the complaint is filed by July 1, 1993.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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kb/kdm

Analysis by: Amy A. Devadas

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