

HOUSE BILL No. 1127

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-30-1-5.

Synopsis: Actions against a surveyor. Provides that an action to recover damages for a deficiency in a land survey must be brought against the surveyor not later than 10 years after the date of the survey.

Effective: July 1, 2014.

Ober, McMillin

January 9, 2014, read first time and referred to Committee on Judiciary.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1127

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-30-1-5, AS AMENDED BY P.L.79-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 5. (a) As used in this section, "designer" means a
4 person who:
5 (1) designs, plans, supervises, or observes the construction of an
6 improvement to real property; or
7 (2) constructs an improvement to real property.
8 **(b) As used in this section, "date of the survey" means the latest**
9 **of:**
10 **(1) the date the survey, plat, or other work product that**
11 **resulted from the survey was:**
12 **(A) certified; or**
13 **(B) recorded;**
14 **(2) the date the field work was completed; or**
15 **(3) if subdivisions (1) and (2) do not apply, the date the**
16 **professional service or product was delivered to the client.**



1 (c) **As used in this section, "deficiency" does not include a**
 2 **failure by a possessor to use reasonable care to maintain an**
 3 **improvement to real property following the substantial completion**
 4 **of an improvement.**

5 ~~(b)~~ (d) As used in this section, "possessor" means a person having
 6 ownership, possession, or control of real property at the time an alleged
 7 deficiency in an improvement to the real property causes injury or
 8 wrongful death.

9 ~~(c)~~ As used in this section, "deficiency" does not mean a failure by
 10 a possessor to use reasonable care to maintain an improvement to real
 11 property following a substantial completion of an improvement.

12 (e) **As used in this section, "surveyor" means a surveyor**
 13 **registered under IC 25-21.5.**

14 ~~(d)~~ (f) An action to recover damages, whether based upon contract,
 15 tort, nuisance, or another legal remedy, for:

16 (1) a deficiency or an alleged deficiency in the design, planning,
 17 supervision, construction, or observation of construction of an
 18 improvement to real property;

19 (2) an injury to real or personal property arising out of a
 20 deficiency; ~~or~~

21 (3) an injury or wrongful death of a person arising out of a
 22 deficiency; ~~or~~

23 **(4) a deficiency or an alleged deficiency in a survey;**

24 may not be brought against a designer, **surveyor**, or possessor unless
 25 the action is commenced within the earlier of ten (10) years after the
 26 date of substantial completion of the improvement, **ten (10) years**
 27 **after the date of the survey if the action is for a deficiency in the**
 28 **survey**, or twelve (12) years after the completion and submission of
 29 plans and specifications to the owner if the action is for a deficiency in
 30 the design of the improvement.

