



January 24, 2014

HOUSE BILL No. 1127

DIGEST OF HB 1127 (Updated January 22, 2014 11:17 am - DI 84)

Citations Affected: IC 32-30.

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.
January 23, 2014, reported — Do Pass.

HB 1127—LS 6390/DI 107



January 24, 2014

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.**

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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.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1127, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1127 as introduced.)

Committee Vote: Yeas 8, Nays 3

Representative Steuerwald

