



HOUSE BILL 870: Civil Procedure/Limitations/Land Surveyors.

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 3, 2019
Introduced by:	Reps. Arp, Torbett, Brody, Richardson	Prepared by:	Susan Sitze*
Analysis of:	PCS to First Edition H870-CSSA-34		Staff Attorney

OVERVIEW: House Bill 870 would clarify the statute of limitations and statute of repose for negligence claims brought against professional land surveyors.

CURRENT LAW: G.S. 1-47(6) requires any claim against a registered land surveyor for physical damage or for economic or monetary loss due to negligence in performing surveying and platting to be brought within 10 years after the last act or omission giving rise to the cause of action. For purposes of this provision, "surveying and platting" is defined to mean "boundary surveys, topographical surveys, surveys of property lines, and any other measurement or surveying of real property and the consequent graphic representation thereof."

G.S. 1-52(18) requires any claim against a registered land surveyor for physical damage or for economic or monetary loss due to negligence in performing surveying and platting as defined in G.S. 1-47(6) to be brought within 3 years of the time the cause of action accrues.

BILL ANALYSIS: Section 1 of House Bill 870 would repeal G.S. 1-47(6) in its entirety.

Section 2 of the bill would amend G.S. 1-52(18) by:

- Changing the phrase "registered land surveyor" to "professional land surveyor" to conform to the term in use since 1998 in Chapter 89C of the General Statutes governing the practice of land surveying.
- Incorporating the definition for "surveying and platting" currently used in G.S. 1-47(6).
- Providing that a cause of action against a professional land surveyor for physical damage due to negligence in performing surveying and platting is deemed to accrue at the time of the occurrence of the physical damage giving rise to the cause of action.
- Providing that any cause of action for economic or monetary loss due to negligence in performing surveying and platting shall commence within seven years from the specific last act of the professional land surveyor or any person acting under their supervision and control giving rise to the cause of action.

The seven-year statute of repose would apply only to claims for economic or monetary loss due to negligence in surveying and platting. Claims for physical damage due to such negligence would not be subject to a statute of repose.

EFFECTIVE DATE: The act is effective when it becomes law and applies to actions arising on or after that date.

*Bill Patterson, Staff Attorney, substantially contributed to this summary.

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