



SENATE BILL 332: Civil Procedure/Limitations/Land Surveyors.

2019-2020 General Assembly

Committee:		Date:	January 6, 2020
Introduced by:		Prepared by:	Bill Patterson Staff Attorney
Analysis of:	S.L. 2019-164		

OVERVIEW: *S.L. 2019-164 provides that in a negligence action against a professional land surveyor or person acting under the surveyor's supervision and control, a cause of action for physical damage is deemed to accrue at the time of the occurrence of the physical damage giving rise to the cause of action.*

The act also provides that a negligence action against a professional land surveyor or person acting under the surveyor's supervision and control must be commenced within seven years from the specific last act or omission giving rise to the cause of action.

This act became effective on July 26, 2019, and applies to actions arising on or after that date.

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 the act repeals G.S. 1-47(6) in its entirety.

Section 2 amends G.S. 1-52(18) to:

- Change 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.
- Define "surveying and platting" in the same way that it was formerly defined in G.S. 1-47(6).
- Provide that a claim against a professional land surveyor for physical damage due to negligence or a deficiency in surveying or platting is deemed to accrue at the time of the occurrence of the physical damage giving rise to the cause of action.
- Provide that any action for physical damage or economic or monetary loss due to negligence in surveying and platting must be brought within seven years from the specific last act or omission of the professional land surveyor or person acting under their supervision and control giving rise to the cause of action.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

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Section 3 contains a severability clause.

EFFECTIVE DATE: This act became effective July 26, 2019, and applies to actions arising on or after that date.