



This Bill Analysis reflects the contents of the bill as it was presented in committee.

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

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Redistricting and Elections	Date:	April 23, 2019
Introduced by:	Sen. Daniel	Prepared by:	Bill Patterson
Analysis of:	PCS to First Edition S332-CSTG-20		Committee Co-Counsel

OVERVIEW: *The Proposed Committee Substitute for Senate Bill 332 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 the PCS for Senate Bill 332 would repeal G.S. 1-47(6) in its entirety.

Section 2 of the PCS 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 new seven-year statute of repose will apply only to claims for economic or monetary loss due to negligence in surveying and platting. Claims for physical damage due to such negligence will 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.

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