

Judiciary
Kudart, Chairperson
Doyle
Small

FILED FEB 13 1981

SENATE FILE 245

BY SCHWENGELS, BAUGHER, HOLDEN,
TIEDEN, CARNEY, GOODWIN
AND MURRAY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing a maximum statute of limitations for actions
2 arising out of improvements to real property.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 614.1, Code 1981, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. IMPROVEMENT TO REAL PROPERTY. In addition
4 to limitations contained elsewhere in this section, an action
5 arising out of the unsafe or defective condition of an improve-
6 ment to real property based on tort and implied warranty and
7 for contribution and indemnity, and founded on injury to
8 property, real or personal, or injury to the person or wrongful
9 death, shall not be brought more than twelve years after the
10 date on which occurred the act or omission of the defendant
11 alleged in the action to have been the cause of the injury
12 or death. This Act does not bar an action against any person
13 solely in the person's capacity as owner, occupant, or operator
14 of an improvement to real property. This Act does not apply
15 to nuclear power facilities.

16 EXPLANATION

17 This bill establishes an absolute of statute of limitations
18 of twelve years for civil claims arising out of unsafe or
19 defective improvements to real property and based on a theory
20 of tort or implied warranty. The section would not apply
21 to actions against property owners as such, and would not
22 apply to claims involving nuclear power facilities.

23 The bill would take effect July 1 following enactment.

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