A BILL FOR

1 An Act reducing the statute of repose period in a case arising
2 out of the unsafe or defective condition of an improvement
3 to real property and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 614.1, subsection 11, Code 2014, is amended to read as follows:

11. Improvements to real property. In addition to limitations contained elsewhere in this section, an action arising out of the unsafe or defective condition of an improvement to real property based on tort and implied warranty and for contribution and indemnity, and founded on injury to property, real or personal, or injury to the person or wrongful death, shall not be brought more than fifteen eight years after the date on which occurred the act or omission of the defendant alleged in the action to have been the cause of the injury or death. However, this subsection does not bar an action against a person solely in the person's capacity as an owner, occupant, or operator of an improvement to real property.

Sec. 2. APPLICABILITY. This Act applies to actions filed on or after the effective date of this Act.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill relates to the statute of repose period in a case arising out of the unsafe or defective condition of an improvement to real property.

The bill reduces the 15-year statute of repose period in a case arising out of the unsafe or defective condition of an improvement to real property to eight years. Such cases are based upon an injury to property or an injury or death of a person.

A statute of repose period differs from a statute of limitations period in that a statute of repose period establishes a time period after which a lawsuit based upon negligence in an improvement to real property cannot be filed regardless of whether an injury to a person or to property has occurred. A statute of limitations period begins at the date of the injury or upon discovery of the deficiency.

The bill applies to actions filed on or after the effective
H.F. _____

1 date of the bill.