

Senate File 413 - Enrolled

Senate File 413

AN ACT

RELATING TO STATUTE-OF-REPOSE PERIODS FOR IMPROVEMENTS TO REAL PROPERTY AND INCLUDING APPLICABILITY PROVISIONS.

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

Section 1. Section 614.1, subsection 11, Code 2017, is amended to read as follows:

11. *Improvements to real property.*

a. 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~~ the number of years specified below 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:

(1) For an action arising from or related to a nuclear power plant licensed by the United States nuclear regulatory commission or an interstate pipeline licensed by the federal energy regulatory commission, fifteen years.

(2) For an action arising from or related to residential construction, as defined in section 572.1, ten years.

(3) For an action arising from or related to any other kind of improvement to real property, eight years.

b. Notwithstanding paragraph "a", an action arising from or related to the intentional misconduct or fraudulent concealment

of an unsafe or defective condition of an improvement to real property shall not be brought more than fifteen 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.

c. If the unsafe or defective condition is discovered within one year prior to the expiration of the applicable period of repose, the period of repose shall be extended one year.

d. However, this 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 does not apply to an improvement to real property in existence prior to the effective date of this Act or to an improvement to real property, whether construction has begun or not, that is the subject of a binding agreement as of the effective date of this Act.

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JACK WHITVER  
President of the Senate

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LINDA UPMEYER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 413, Eighty-seventh General Assembly.

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W. CHARLES SMITHSON  
Secretary of the Senate

Approved \_\_\_\_\_, 2017

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TERRY E. BRANSTAD  
Governor