

**House File 2307 - Introduced**

HOUSE FILE 2307  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 2078)

**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 an applicability date  
4 provision.

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

1 Section 1. Section 614.1, subsection 11, Code 2011, is  
2 amended to read as follows:

3 11. *Improvements to real property.* In addition to  
4 limitations contained elsewhere in this section, an action  
5 arising out of the unsafe or defective condition of an  
6 improvement to real property based on tort and implied warranty  
7 and 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 ~~fifteen~~ ten years after  
10 the date on which occurred the act or omission of the defendant  
11 alleged in the action to have been the cause of the injury or  
12 death. However, this subsection does not bar an action against  
13 a person solely in the person's capacity as an owner, occupant,  
14 or operator of an improvement to real property.

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

17 EXPLANATION

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

21 The bill reduces the 15-year statute of repose period in a  
22 case arising out of the unsafe or defective condition of an  
23 improvement to real property to 10 years. Such cases are based  
24 upon an injury to property or an injury or death of a person.

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

32 The bill applies to all actions filed on or after the  
33 effective date of the bill.