

Senate File 2031 - Introduced

SENATE FILE 2031

BY McCOY

A BILL FOR

1 An Act relating to the statute of repose period in a case
2 arising out of the unsafe or defective condition of an
3 improvement to real property and including an applicability
4 date 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~~ eight 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 eight years. Such cases are
24 based upon an injury to property or an injury or death of a
25 person.

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

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