

Senate Study Bill 1185 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to the statute of limitations period in an
2 action arising out of the unsafe or defective condition of
3 an improvement to real property.

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

1 Section 1. Section 614.1, subsection 11, Code 2013, 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 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 or
12 death occurred, or within three years after the act or omission
13 of the defendant alleged in the action to have been the cause
14 of the injury or death is discovered or by the exercise of
15 reasonable diligence should have been discovered, whichever
16 is earlier. However, this subsection does not bar an action
17 against a person solely in the person's capacity as an owner,
18 occupant, or operator of an improvement to real property.

19 EXPLANATION

20 Under current law, the statute of limitations period in
21 an action arising out of the unsafe or defective condition
22 of an improvement to real property must be brought no later
23 than 15 years after the date on which the act or omission of
24 the defendant alleged in the action to have been the cause
25 of the injury or death occurred. The bill provides that an
26 action relating to improvements to real property arising out
27 of the unsafe or defective condition of an improvement to
28 real property must be brought within the 15-year limitation
29 period or within three years after the act or omission of the
30 defendant alleged in the action to have been the cause of the
31 injury or death is discovered or by the exercise of reasonable
32 diligence should have been discovered, whichever is earlier.