

ASSEMBLY, No. 2328

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 16, 1996

By Assemblyman GEIST

1 **AN ACT** concerning limitation of liability for surveys under certain
2 circumstances, amending P.L.1967, c.59 and supplementing chapter
3 14 of Title 2A of the New Jersey Statutes.

4

5 **BE IT ENACTED** by the *Senate and General Assembly of the State*
6 *of New Jersey*:

7

8 1. Section 1 of P.L.1967, c.59 (C.2A:14-1.1) is amended to read
9 as follows:

10 1. No action whether in contract, in tort, or otherwise to recover
11 damages for any deficiency in the design, planning, surveying,
12 supervision or construction of an improvement to real property, or for
13 any injury to property, real or personal, or for an injury to the person,
14 or for bodily injury or wrongful death, arising out of the defective and
15 unsafe condition of an improvement to real property, nor any action
16 for contribution or indemnity for damages sustained on account of
17 such injury, shall be brought against any person performing or
18 furnishing the design, planning, surveying, supervision of construction
19 or construction of such improvement to real property, more than 10
20 years after the performance or furnishing of such services and
21 construction. This limitation shall not apply to any person in actual
22 possession and control as owner, tenant, or otherwise, of the
23 improvement at the time the defective and unsafe condition of such
24 improvement constitutes the proximate cause of the injury or damage
25 for which the action is brought.

26 (cf: P.L.1967, c.59, s.1)

27

28 2. (New section) No action, whether in contract, in tort, or
29 otherwise to recover damages for any deficiency in a survey of real
30 property performed under contract for any purpose other than for an
31 improvement to real property shall be taken against any person
32 performing or furnishing such survey:

33 a. more than 10 years after the performance or furnishing of such
34 survey; or

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 b. at any time after transfer of the right, title or interest in the real
2 property from the person or entity for whom the survey was
3 contractually performed.

4

5 3. This act shall take effect immediately.

6

7

STATEMENT

9

10 Current law provides a ten-year limitations period on any claim
11 arising out of a defect in improvement to real property in an action
12 against any person who designed, planned, supervised or constructed
13 the improvement.

Under this bill, persons who surveyed the property for purposes of the improvement would also receive the benefit of this ten-year limitation.

In addition, the bill would establish a ten-year limitation period on actions against surveyors for real property surveys performed under contract and undertaken for purposes other than those involving improvements to the property. For surveys undertaken for purposes other than those involving improvements, the bill provides that only the person or entity originally contracting for the survey would be able to bring suit against the surveyor, up to ten years after the survey took place; after the property is sold or transferred, the new owner would not have any right to bring suit against the surveyor for the survey he performed for the previous owner.

27

28

29

30

31 Establishes ten-year limitation on surveyors' liability.