

SENATE BILL 237

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By: **Senator Muse**

Introduced and read first time: January 22, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Damage or Loss Related to Property Occurring After Completion**
3 **of Improvement to Real Property**

4 FOR the purpose of replacing references to “injury” to real or personal property with
5 “damage or loss” to real or personal property in certain provisions of law related to
6 causes of action for certain injuries occurring after completion of certain
7 improvements to real property; making conforming changes; and generally relating
8 to causes of action for injuries or damage or loss resulting from certain improvements
9 to real property.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 5–108
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2015 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Courts and Judicial Proceedings**

18 5–108.

19 (a) Except as provided by this section, no cause of action for damages accrues and
20 a person may not seek contribution or indemnity for damages incurred when wrongful
21 death, personal injury, or [injury to] **DAMAGE TO OR LOSS OF** real or personal property
22 resulting from the defective and unsafe condition of an improvement to real property occurs
23 more than 20 years after the date the entire improvement first becomes available for its
24 intended use.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Except as provided by this section, a cause of action for damages does not
2 accrue and a person may not seek contribution or indemnity from any architect,
3 professional engineer, or contractor for damages incurred when wrongful death, personal
4 injury, or [injury to] **DAMAGE TO OR LOSS OF** real or personal property, resulting from
5 the defective and unsafe condition of an improvement to real property, occurs more than 10
6 years after the date the entire improvement first became available for its intended use.

7 (c) Upon accrual of a cause of action referred to in subsections (a) and (b) of this
8 section, an action shall be filed within 3 years.

9 (d) (1) In this subsection, “supplier” means any individual or entity whose
10 principal business is the supply, distribution, installation, sale, or resale of any product
11 that causes asbestos-related disease.

12 (2) This section does not apply if:

13 (i) The defendant was in actual possession and control of the
14 property as owner, tenant, or otherwise when the injury **OR DAMAGE OR LOSS** occurred;

15 (ii) In a cause of action against a manufacturer or supplier for
16 damages for personal injury or death caused by asbestos or a product that contains
17 asbestos, the injury or death results from exposure to asbestos dust or fibers which are shed
18 or emitted prior to or in the course of the affixation, application, or installation of the
19 asbestos or the product that contains asbestos to an improvement to real property;

20 (iii) In other causes of action for damages for personal injury or death
21 caused by asbestos or a product that contains asbestos, the defendant is a manufacturer of
22 a product that contains asbestos; or

23 (iv) In a cause of action for damages for [injury to] **DAMAGE TO OR**
24 **LOSS OF** real property that results from a defective and unsafe condition of an
25 improvement to real property:

26 1. The defendant is a manufacturer of a product that
27 contains asbestos;

28 2. The damages to an improvement to real property are
29 caused by asbestos or a product that contains asbestos;

30 3. The improvement first became available for its intended
31 use after July 1, 1953;

32 4. The improvement:

33 A. Is owned by a governmental entity and used for a public
34 purpose; or

1 B. Is a public or private institution of elementary, secondary,
2 or higher education; and

3 5. The complaint is filed by July 1, 1993.

4 (e) A cause of action for an injury **OR FOR DAMAGE OR LOSS** described in this
5 section accrues when the injury or damage **OR LOSS** occurs.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2016.