

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SENATE BILL 332
RATIFIED BILL**

**AN ACT TO CLARIFY STATUTES OF LIMITATION AND REPOSE APPLICABLE TO
ACTIONS BROUGHT AGAINST PROFESSIONAL LAND SURVEYORS.**

Whereas, the General Assembly has provided through the enactment of G.S. 1-47(6) and G.S. 1-52(18) two limitations periods for actions brought against a registered land surveyor as defined in G.S. 89C-3(9) or a person acting under the surveyor's supervision and control for physical damage or for economic or monetary loss due to negligence or a deficiency in the performance of surveying or platting; and

Whereas, it was the intent of the General Assembly to establish a 3-year statute of limitation under G.S. 1-52(18) and a 10-year statute of repose under G.S. 1-47(6) for such actions; and

Whereas, the North Carolina courts have held that the limitations period under G.S. 1-47(6) is more specific and provides a longer period of time than the limitations period under G.S. 1-52(18); and, consequently, that the 10-year limitation under G.S. 1-47(6) applies to the exclusion of the 3-year limitation under G.S. 1-52(18); and

Whereas, such ruling by the North Carolina courts have rendered the 3-year limitation under G.S. 1-52(18) a nullity, contrary to the intent of the General Assembly; and

Whereas, the General Assembly wishes to amend the provisions of G.S. 1-47 and G.S. 1-52 to establish a 3-year statute of limitation and 7-year statute of repose for such causes of action; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1-47 reads as rewritten:

"§ 1-47. Ten years.

Within ten years an action –

...

- (6) a. ~~Against any registered land surveyor as defined in G.S. 89C-3(9) or any person acting under his supervision and control for physical damage or for economic or monetary loss due to negligence or a deficiency in the performance of surveying or platting, within 10 years after the last act or omission giving rise to the cause of action.~~
- b. ~~For purposes of this subdivision, "surveying and platting" means boundary surveys, topographical surveys, surveys of property lines, and any other measurement or surveying of real property and the consequent graphic representation thereof.~~
- e. ~~The limitation prescribed by this subdivision shall apply to the exclusion of G.S. 1-15(c) and G.S. 1-52(16)."~~

SECTION 2. G.S. 1-52(18) reads as rewritten:

"§ 1-52. Three years.

Within three years an action –

...



- (18) Against any ~~registered~~ professional land surveyor as defined in G.S. 89C-3(9) or any person acting under ~~his~~ the surveyor's supervision and control for physical damage or economic or monetary loss due to negligence or a deficiency in the performance of surveying or ~~plating~~ as defined in G.S. 1-47(6).plating. A cause of action for physical damage under this subdivision shall be deemed to accrue at the time of the occurrence of the physical damage giving rise to the cause of action. All actions under this subdivision shall commence within seven years from the specific last act or omission of the professional land surveyor or any person acting under the surveyor's supervision and control giving rise to the cause of action. For purposes of this subdivision, "surveying and plating" means boundary surveys, topographical surveys, surveys of property lines, and any other measurement or surveying of real property and the consequent graphic representation thereof."

SECTION 3. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

SECTION 4. This act is effective when it becomes law and applies to actions arising on or after that date.

In the General Assembly read three times and ratified this the 16th day of July, 2019.

s/ Ralph E. Hise
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____ .m. this _____ day of _____, 2019