

(C) WHEN ACTION ACCRUES.

A CAUSE OF ACTION FOR AN INJURY DESCRIBED IN THIS SECTION ACCRUES WHEN THE INJURY OR DAMAGE OCCURS.

REVISOR'S NOTE: This section is new language derived from Art. 57, §20. It is believed that this is an attempt to relieve builders, contractors, landlords, and realtors of the risk of latent defects in design, construction, or maintenance of an improvement to realty manifesting themselves more than 20 years after the improvement is put in use. The section is drafted in the form of a statute of limitation, but, in reality, it grants immunity from suit in certain instances. Literally construed, it would compel a plaintiff injured on the 364th day of the 19th year after completion to file his suit within one day after the injury occurred, a perverse result to say the least, which possibly violates equal protection. Alternatively, the section might allow wrongful death suits to be commenced 18 years after they would be barred by the regular statute of limitations.

The section if conceived of as a grant of immunity, avoids these anomalies. The normal statute of limitations will apply if an actionable injury occurs.

Subsection (c) is drafted so as to avoid affecting the period within which a wrongful death action may be brought.

SUBTITLE 2. COMPUTING TIME.

SEC. 5-201. PERSONS UNDER A DISABILITY.

(A) EXTENSION OF TIME.

WHEN A CAUSE OF ACTION SUBJECT TO A LIMITATION UNDER SUBTITLE 1 ACCRUES IN FAVOR OF A MINOR OR MENTAL INCOMPETENT, THAT PERSON SHALL FILE HIS ACTION WITHIN THE LESSER OF THREE YEARS OR THE APPLICABLE PERIOD OF LIMITATIONS AFTER THE DATE THE DISABILITY IS REMOVED.