

1 ~~homeowner has a complaint against a contractor~~ construction of
2 residential improvements that results from any of the following:

- 3 a. defective material, products or components used in the
4 construction of residential improvements,
5 b. violation of the applicable codes in effect at the
6 time of construction of residential improvements,
7 c. failure of the design of residential improvements to
8 meet the applicable professional standards of care at
9 the time of governmental approval of the design of
10 residential improvements, or
11 d. failure to construct residential improvements in
12 accordance with accepted trade standards for good and
13 workmanlike construction at the time of construction;

14 2. "Contractor" means a person or entity providing labor,
15 services or materials in the construction of a new residence or
16 alteration of, repair of, or addition to an existing residence; and

17 3. "Residence" means any structure designed and used only for
18 residential purposes, together with all attached and unattached
19 structures, constructed by the contractor, regardless of whether the
20 real property upon which the residence is located was purchased from
21 the contractor. Such term also includes a residence upon which
22 alterations or repairs were performed by the contractor at the
23 direction of the homeowner.

1 B. A contract for the construction of a new residence or for an
2 alteration of, repair of, or addition to an existing residence may
3 include provisions which:

4 1. Require a homeowner, prior to filing a lawsuit for
5 construction defects, to present to the contractor a written notice
6 of construction defects; and

7 2. Allow the contractor to inspect any construction defects and
8 present to the homeowner a written response which shall include the
9 contractor's offer to repair defects or compensate homeowner for
10 such defects within thirty (30) days after receipt of the notice of
11 defects.

12 If such provisions are included in a contract, the homeowner
13 shall not file a lawsuit against the contractor until the conditions
14 precedent have been fulfilled. In the event the homeowner files a
15 lawsuit against the contractor without fulfilling the conditions
16 precedent, the contractor shall be entitled to a stay of proceedings
17 until such conditions have been fulfilled. If the conditions
18 precedent have been fulfilled, the homeowner may seek remedies
19 against the contractor as provided by law.

20 SECTION 2. This act shall become effective November 1, 2012.

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22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/28/2012 - DO
23 PASS, As Coauthored.