

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1437

Introduced by

Representatives Koppelman, Dietrich, Haas

Senators Espeland, Krebsbach, Nething

1 A BILL for an Act to create and enact a new section to chapter 43-07 of the North Dakota
2 Century Code, relating to notice and time for contractors to repair defects in residential
3 buildings.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 43-07 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Warranty repairs - Required notice.** Before undertaking any repair, other than
8 emergency repair, or instituting any action for breach of warranty in the construction of a
9 one-family or two-family dwelling, the purchaser or owner shall give the contractor written
10 notice by mail, within six months after knowledge of the defect, advising the contractor of any
11 defect and giving the contractor a reasonable time to comply with this section. Within a
12 reasonable time after receiving the notice, the contractor shall inspect the defect and provide a
13 response to the purchaser or owner, and, if appropriate, remedy the defect within a reasonable
14 time thereafter. For the purposes of this section, "reasonable time" means within thirty days
15 after the notice is mailed or any shorter period of time as may be appropriate under the
16 circumstances.