

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1437

Introduced by

Representatives Koppelman, Dietrich, Haas

Senators Espegard, 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, or an improvement with a value exceeding two thousand
10 dollars to a dwelling, the purchaser or owner shall give the contractor written notice by mail,
11 within six months after knowledge of the defect, advising the contractor of any defect and giving
12 the contractor a reasonable time to comply with this section. Within a reasonable time after
13 receiving the notice, the contractor shall inspect the defect and provide a response to the
14 purchaser or owner, and, if appropriate, remedy the defect within a reasonable time thereafter.
15 The contractor shall provide the purchaser or owner written notice of the requirements of this
16 section at the time of closing for the property or, in the case of an improvement, at the time of
17 completion of the improvement. For the purposes of this section, "reasonable time" means
18 within thirty business days after the notice is mailed or any shorter period of time as may be
19 appropriate under the circumstances.