

411.260 Notice of construction professional's right to offer to cure defects before commencement of litigation -- Action not barred if homeowner is not given notice.

- (1) The construction professional shall provide notice to each homeowner, upon entering into a contract for the construction of a residence, of the construction professional's right to offer to cure construction defects before a homeowner may commence litigation against the construction professional. The notice shall be conspicuous and may be included as part of the underlying contract signed by the homeowner.
- (2) The notice required by this section shall be in substantially the following form:
"SECTIONS 411.250 TO 411.260 OF THE KENTUCKY REVISED STATUTES CONTAIN IMPORTANT REQUIREMENTS YOU MUST FOLLOW BEFORE YOU MAY FILE A LAWSUIT FOR DEFECTIVE CONSTRUCTION AGAINST THE BUILDER OF YOUR HOME. YOU MUST DELIVER TO THE BUILDER A WRITTEN NOTICE OF ANY CONSTRUCTION CONDITIONS YOU ALLEGE ARE DEFECTIVE AND PROVIDE YOUR BUILDER THE OPPORTUNITY TO MAKE AN OFFER TO REPAIR OR PAY FOR THE DEFECTS. YOU ARE NOT OBLIGATED TO ACCEPT ANY OFFER MADE BY THE BUILDER. THERE ARE STRICT DEADLINES AND PROCEDURES UNDER STATE LAW, AND FAILURE TO FOLLOW THEM MAY AFFECT YOUR ABILITY TO FILE A LAWSUIT."
- (3) KRS 411.250 to 411.266 shall not preclude or bar any action if notice is not given to the homeowner as required by this section.

Effective: June 24, 2003

History: Created 2003 Ky. Acts ch. 123, sec. 6, effective June 24, 2003.