

411.256 Circumstances under which construction professional is liable.

In a claim to recover damages resulting from a construction defect, a construction professional is liable for his or her acts or omissions or the acts or omissions of his or her agents, employees, or subcontractors and is not liable for any damages caused by:

- (1) The acts or omissions of a person other than the construction professional or his or her agent, employee, or subcontractor;
- (2) The failure of a person other than the construction professional or his or her agent, employee, or subcontractor to take reasonable action to reduce the damages or maintain the residence;
- (3) Normal wear, tear, or deterioration;
- (4) Normal shrinkage, swelling, expansion, or settlement; or
- (5) Any construction defect disclosed to a claimant before his or her purchase of the residence, if the disclosure was provided in writing and in language that is understandable and was signed by the claimant.

Effective: June 24, 2003

History: Created 2003 Ky. Acts ch. 123, sec. 4, effective June 24, 2003.