



notice requirements.

Present law requires the builder to give the owner written notice of the requirements of the Act at the time of closing, or if there is no closing, at the time of the execution of the construction contract between the builder and the owner.

Proposed law provides that the written notice shall be given at the time of closing or upon execution of the new home construction contract. Proposed law provides that if the builder fails to give the owner such notice, the builder and any employee, agent, or subcontractor of the builder shall lose the right to claim any exclusivity, protection, or defenses available to him as provided by law.

Present law provides for the exclusive remedies, warranties, and preemptive periods as between the builder and the owner relative to home construction.

Proposed law specifies that such exclusive remedies, warranties, and preemptive periods as between the builder and the owner are relative to warranties and redhibitory vices and defects of home construction discovered after the warranty commencement date.

Proposed law provides that nothing in the Act shall be construed as affecting or limiting the right of the owner to bring claims against the builder for punch list items not properly completed or for failing to construct the home in accordance with the plans and specifications or agreed upon change orders modifying the plans and specifications.

Effective August 1, 2019.

(Amends R.S. 9:3143(1) and (7), 3144(B), 3145, and 3150; adds R.S. 9:3143(8))