

1st Sub. S.B. 220

CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 3, 2008 1:45 PM

Representative **Kay L. McIff** proposes the following amendments:

1. *Page 2, Lines 28 through 29:*

28 (1) Except as provided in Subsection (2), an action for defective design or construction
29 is limited to breach of the contract , **whether written or otherwise, including both express and implied**
warranties .

2. *Page 2, Line 33:*

33 (3) For purposes of ~~{ this section }~~ **Subsection (2)** , property damage does not include:

3. *Page 2, Lines 37 through 39:*

37 (4) Except as provided in Subsection (2) **and (6)** , an action for defective design or construction
38 may be brought only by a person in privity of contract with the original contractor, architect,
39 engineer, or the real estate developer.