

1 AN ACT relating to building code violations.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 198B.130 is amended to read as follows:

- 4 (1) Notwithstanding any other remedies available, any person or party, in an individual
5 capacity or on behalf of a class of persons or parties, damaged as a result of a
6 violation of this chapter or the Uniform State Building Code, has a cause of action
7 in any court of competent jurisdiction against the person or party who committed
8 the violation. An award may include damages and the cost of litigation. If a
9 certificate of occupancy was not issued, then an award may also include reasonable
10 attorney's fees.
- 11 (2) Any action based upon a claim of violation of this section shall be brought within
12 one (1) year of the date on which the damage is discovered or in the exercise of
13 reasonable diligence could have been discovered. However, in no event shall an
14 action be brought under this section more than ten (10) years after the date of first
15 occupation or settlement date, whichever is sooner.
- 16 (3) Nothing in this section shall be construed to bar any common law liability of a
17 contractor or subcontractor or any right or cause of action against any contractor or
18 subcontractor created by any other statute.
- 19 **(4) Any deviation from the Uniform State Building Code that produces a specific,**
20 **measurable, and imminent danger to any occupant, or results in quantifiable**
21 **instability of the built structure, shall be considered a violation.**
- 22 **(5) Any deviation from the Uniform State Building Code that does not rise to the**
23 **level of a violation as set forth in subsection (4) of this section shall be considered**
24 **nonconforming.**