

Regular Session, 2012

HOUSE BILL NO. 341

BY REPRESENTATIVE THOMPSON

PROPERTY/IMMOVABLE: Provides relative to the application of the New Home Warranty Act

1 AN ACT

2 To amend and reenact R.S. 9:3143(3) and 3150, relative to the New Home Warranty Act;
3 to provide relative to applicability to certain structures; to exclude application to
4 certain unimproved land; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:3143(3) and 3150 are hereby amended and reenacted to read as
7 follows:

8 §3143. Definitions

9 For purposes of this Chapter the following words, phrases, and terms shall
10 be defined and construed as follows:

11 * * *

12 (3) "Home" means any new structure designed and used only for residential
13 use, together with all attached and unattached structures, constructed by the builder
14 whether or not the land was purchased from the builder. Such term includes
15 structures containing multiple family dwellings or residences, but does not include
16 the unimproved land beyond the foundation upon which new attached and unattached
17 structures are located.

18 * * *

1 §3150. Exclusiveness

2 A. This Chapter provides the exclusive remedies, warranties, and preemptive

3 periods as between builder and owner relative to home construction, and no other

4 provisions of law relative to warranties and redhibitory vices and defects shall apply.

5 B. Nothing ~~herein~~ in this Chapter shall be construed as affecting or limiting

6 any of the following:

7 (1) ~~any~~ Any warranty of title to land or improvements.

8 (2) Any warranty to the unimproved land beyond the foundation upon which

9 new attached and unattached structures are located.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Thompson

HB No. 341

Abstract: Provides for the application of the New Home Warranty Act to only the new attached and unattached structures and foundation upon which such structures are located.

Present law defines "home" as any new structure designed and used only for residential use, together with all attached and unattached structures, constructed by the builder whether or not the land was purchased from the builder, and further provides that "home" includes structures containing multiple family dwellings or residences.

Proposed law retains present law except it provides that "home" does not include the unimproved land beyond the foundation upon which all new attached and unattached structures are located.

Present law provides that the New Home Warranty Act provides the exclusive remedies, warranties, and preemptive periods as between builder and owner relative to home construction, and no other provisions of law relative to warranties and redhibitory vices and defects shall apply.

Present law provides that the New Home Warranty Act shall not be construed as affecting or limiting any warranty of title to land or improvements.

Proposed law retains present law and also provides that the New Home Warranty Act shall not be construed as affecting or limiting any warranty to the unimproved land beyond the foundation upon which new attached and unattached structures are located.

(Amends R.S. 9:3143(3) and 3150)