

CARPENTER HAZLEWOOD, PLC

Attorneys at Law

www.carpenterhazlewood.com

PHOENIX AREA OFFICE:

1400 E. Southern Avenue, Suite 640
Tempe, AZ 85282-8010
480-991-6949
480-991-7040 fax

TUCSON AREA OFFICE:

177 North Church Avenue, Suite 200
Tucson, AZ 85701-1157
520-744-9480
520-744-9402 fax

STATEWIDE:

800-743-9324
800-743-0494 fax
scott.carpenter@carpenterhazlewood.com
james.hazlewood@carpenterhazlewood.com

SENATE BILL 1311, CONSTRUCTION DEFECT SUITS

Senate Bill 1311 became effective on August 25, 2004.

Senate Bill 1311 amended the “Notice and Opportunity to Repair” provisions of the construction defect (“dwelling action”) statute, A.R.S. § 12-1363, as originally enacted in 2002.

Previously, the alternative dispute resolution procedure required written notice of the basis for the claim before filing suit, but not for multiunit dwelling actions, such as condominiums. As amended, the statute now requires the notice procedure for multiunit actions as well.

A.R.S. § 12-1362 now also requires a seller’s insurer to treat any notice made pursuant to 1363 as a notice of claim. The insurer must work with the seller (builder/developer) in the alternative dispute resolution process. Therefore, the insurer cannot just sit by and do nothing until suit is filed.