

AMENDED IN ASSEMBLY APRIL 16, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1892**

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**Introduced by Assembly Member Halderman**

February 22, 2012

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An act to add Section 338 to the Business and Professions Code, ~~and to add Section 898 to the Civil Code~~, relating to ~~construction defects~~ *the Department of Consumer Affairs*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1892, as amended, Halderman. ~~Construction defects: homeowners. Department of Consumer Affairs: construction defect solicitations.~~

~~Existing law establishes the Department of Consumer Affairs.~~

*Under existing law, the Department of Consumer Affairs is comprised of boards that license and regulate various professions and vocations. Existing law provides that these boards are established to ensure that private businesses and professions are regulated to protect the people of this state. Under existing law, the department is under the control of the Director of Consumer Affairs. Existing law requires the director to administer and enforce the provisions of the Consumer Affairs Act, the intent of which is to promote and protect the interests of the people as consumers. Existing law also specifies the rights of a homeowner to bring an action against a builder for construction defects, including the applicable standards for home construction, the statute of limitations, the burden of proof, the damages recoverable, prelitigation procedures, and the obligations of the homeowner.*

~~This bill would require the Department of Consumer Affairs department to post information a notice on its Internet Web site~~

~~concerning a homeowner’s rights and responsibilities in bringing an action against a builder for construction defects~~ *advising a consumer who receives a construction defect solicitation to check with his or her builder in addition to taking other further action.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 338 is added to the Business and  
2 Professions Code, to read:

3 338. The department shall ~~post information~~ *the following*  
4 *statement* on its Internet Web site ~~concerning actionable~~  
5 ~~construction defects, the obligations of builders and homeowners~~  
6 ~~in construction defect cases, prelitigation procedures, and the~~  
7 ~~requirements for bringing a construction defect claim against a~~  
8 ~~builder under Title 7 (commencing with Section 895) of Part 2 of~~  
9 ~~Division 2 of the Civil Code. site:~~

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12 *“If you receive a construction defect solicitation, please check*  
13 *with your builder in addition to taking any further action.”*

14 SEC. 2. Section 898 is added to the Civil Code, to read:

15 898. ~~The Department of Consumer Affairs shall post~~  
16 ~~information on its Internet Web site concerning actionable~~  
17 ~~construction defects, the obligations of builders and homeowners~~  
18 ~~in construction defect cases, prelitigation procedures, and the~~  
19 ~~requirements for bringing a construction defect claim against a~~  
20 ~~builder under this title.~~

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