

Introduced by Senator Calderon

February 15, 2013

An act to amend Section 910 of the Civil Code, relating to litigation.

LEGISLATIVE COUNSEL'S DIGEST

SB 310, as introduced, Calderon. Prelitigation procedures: construction claims.

Existing law requires a claimant to file a written notice, as specified, with the party alleged to have contributed to a construction defect before initiating litigation against the party for construction defect claims regarding the claimant's residence.

This bill would make technical, nonsubstantive changes to these provisions.

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

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

- 1 SECTION 1. Section 910 of the Civil Code is amended to read:
- 2 910. Prior to filing an action against any party alleged to have
- 3 contributed to a violation of the standards set forth in Chapter 2
- 4 (commencing with Section 896), the claimant shall initiate the
- 5 following prelitigation procedures:
- 6 (a) The claimant or his or her legal representative shall provide
- 7 written notice via certified mail, overnight mail, or personal
- 8 delivery to the builder, in the manner prescribed in this section, of
- 9 the claimant's claim that the construction of his or her residence
- 10 violates any of the standards set forth in Chapter 2 (commencing
- 11 with Section 896). ~~That~~

1 (1) *The written* notice shall provide the claimant’s name,
2 address, and preferred method of contact, and shall state that the
3 claimant alleges a violation pursuant to this part against the builder,
4 and shall describe the claim in reasonable detail sufficient to
5 determine the nature and location, to the extent known, of the
6 claimed violation. ~~It~~

7 (2) *In* the case of a group of homeowners or an association, the
8 notice may identify the claimants solely by address or other
9 description sufficient to apprise the builder of the locations of the
10 subject residences. That document shall have the same force and
11 effect as a notice of commencement of a legal proceeding.

12 (b) The notice requirements of this section do not preclude a
13 homeowner from seeking redress through any applicable normal
14 customer service procedure as set forth in any contractual,
15 warranty, or other builder-generated document; and, if a
16 homeowner seeks to do so, that request shall not satisfy the notice
17 requirements of this section.