

2016 Kansas Statutes

60-4701. Definitions. As used in this act:

- (a) "Action" means any civil action or arbitration proceeding between a claimant and a contractor for damages or indemnity asserting a claim for injury or loss to a dwelling or personal property caused by an alleged defect arising out of or related to the construction or a remodel of a dwelling.
- (b) "Association" means a non-profit homeowners organization as defined in K.S.A. 60-3611, and amendments thereto.
- (c) "Claimant" means a homeowner, including a subsequent purchaser, or association who asserts a claim against a contractor concerning a defect in the construction or in the remodel of a dwelling.
- (d) "Construction defect" or "defect" means a deficiency in, or a deficiency arising out of the specifications, planning, supervision or construction of residential improvements that results from any of the following:
 - (1) Defective material, products or components used in the construction of residential improvements.
 - (2) Violation of the applicable codes in effect at the time of construction of residential improvements.
 - (3) Failure to construct residential improvements in accordance with accepted trade standards for good and workmanlike construction at the time of construction.
- (e) "Contractor" means any person, firm, partnership, corporation, association or other organization that is engaged in the business of constructing dwellings.
- (f) "Dwelling" means a single-family house, duplex or multifamily unit designed for residential use in which title to each individual unit is transferred to the owner under a condominium or cooperative system and shall include common areas and improvements that are owned or maintained by an association or by members of an association. A dwelling includes the systems and other components and improvements that are part of a single or multifamily unit at the time of construction. For the purposes of this act "dwelling" does not mean manufactured home as defined in K.S.A. 58-4202, and amendments thereto.
- (g) "Serve" or "service" means personal service or delivery by certified mail, return receipt requested, to the last known address of the addressee.
- (h) "Subcontractor" means a contractor who performs work on behalf of a contractor in the construction of a dwelling.

History: L. 2003, ch. 74, § 1; July 1.