

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 64

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

AN ACT

RELATING TO CONSTRUCTION; PROVIDING FOR DETAILED NOTICE OF A
CONSTRUCTION DEFECT PRIOR TO COMMENCEMENT OF AN ACTION;
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. ~~[NEW MATERIAL]~~ CONSTRUCTION DEFECT--NOTICE.--

A. Prior to the commencement of an action in
district court that sets forth a claim for relief against a
contractor arising out of the defective or unsafe condition of
a physical improvement to real property, the owner or claimant
may provide notice to the contractor containing the following
information:

(1) a description of the details of the
defective or unsafe condition, including the exact location of
the defective or unsafe condition;

.217325.4

underscoring material = new
[bracketed material] = delete

1 (2) a description of the details of the damage
2 arising from the defective or unsafe condition, including the
3 nature and extent of the damage to the extent known;

4 (3) a description of any known cause of the
5 defective or unsafe condition; and

6 (4) the address of each physical improvement
7 to real property that is alleged to be affected by the
8 defective or unsafe condition.

9 B. Any party that fails to provide notice pursuant
10 to Subsection A of this section shall be required by the court
11 to provide such notice before the defendant is required to
12 answer the complaint.

13 C. The applicable statute of limitations shall be
14 tolled upon the filing of notice.

15 D. As used in this section, "contractor" means
16 "contractor", as defined in Section 60-13-3 NMSA 1978.

17 SECTION 2. EMERGENCY.--It is necessary for the public
18 peace, health and safety that this act take effect immediately.