
By: **Delegate Getty**

Introduced and read first time: January 28, 1998

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **New Home Construction - Implied Warranty - Attorney's Fees**

3 FOR the purpose of authorizing the court to award attorney's fees as part of legal and
4 equitable relief in breach of implied warranty cases in the construction of a
5 private dwelling.

6 BY repealing and reenacting, with amendments,
7 Article - Real Property
8 Section 10-204
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 1997 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Real Property**

14 10-204.

15 (a) If any warranty provided for in this subtitle is breached, the court may
16 award legal or equitable relief, or both, as justice requires.

17 (B) IF AN IMPLIED WARRANTY IS BREACHED, THE COURT ALSO MAY AWARD
18 ATTORNEY'S FEES IN ADDITION TO THE RELIEF PROVIDED IN SUBSECTION (A) OF
19 THIS SECTION.

20 [(b)] (C) Unless an express warranty specifies a longer period of time, the
21 warranties provided for in this subtitle expire:

22 (1) In the case of a dwelling completed at the time of the delivery of the
23 deed to the original purchaser, one year after the delivery or after the taking of
24 possession by the original purchaser, whichever occurs first;

25 (2) In the case of a dwelling not completed at the time of delivery of the
26 deed to the original purchaser, one year after the date of the completion or taking of
27 possession by the original purchaser, whichever occurs first; and

1 (3) In the case of structural defects, 2 years after the date of completion,
2 delivery, or taking possession, whichever occurs first.

3 [(c)] (D) The warranties provided under this section do not expire on the
4 subsequent sale of a dwelling by the original purchaser to a subsequent purchaser,
5 but continue to protect the subsequent purchaser until the warranties provided under
6 subsection [(b)] (C) of this section expire. The warranties provided under this section
7 do not apply to any defect caused by the original purchaser.

8 [(d)] (E) Any action arising under this subtitle shall be commenced within two
9 years after the defect was discovered or should have been discovered or within two
10 years after the expiration of the warranty, whichever occurs first.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1998.