

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representatives Ambler and Kottkamp offered the following:

3 **Amendment**

4 Remove lines 259-275 and insert:

5 (a) A written offer to remedy the alleged construction
6 defect at no cost to the claimant, ~~including a report of the~~
7 ~~scope of the inspection,~~ the findings and results of the
8 inspection, a detailed description of the proposed repairs
9 necessary to remedy the defect, and a timetable for the
10 completion of such repairs;

11 (b) A written offer to compromise and settle the claim by
12 monetary payment, that will not obligate the person's insurer,
13 and a timetable for making payment to be paid within 30 days
14 after the claimant's acceptance of the offer; or

15 (c) A written offer to compromise and settle the claim by
16 a combination of repairs and monetary payment, that will not

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17 obligate the person's insurer, that includes a detailed
18 description of the proposed repairs and a timetable for the
19 completion of such repairs and making payment;

20 ~~(d)(e)~~ A written statement that the person ~~contractor,~~
21 ~~subcontractor, supplier, or design professional~~ disputes the
22 claim and will not remedy the defect or compromise and settle
23 the claim; or-

24 (e) A written statement that a monetary payment, including
25 insurance proceeds, if any, will be determined by the person's
26 insurer within 30 days after notification to the insurer by
27 means of forwarding the claim, which notification shall occur at
28 the same time the claimant is notified of this settlement
29 option, which the claimant can accept or reject. A written
30 statement under this paragraph may also include an offer under
31 paragraph (c), but such offer shall be contingent upon the
32 claimant also accepting the determination of the insurer whether
33 to make any monetary payment, in addition thereto. If the
34 insurer for the person receiving the claim makes no response
35 within the 30 days following notification, then the claimant
36 shall be deemed to have met all conditions precedent to
37 commencing an action.