

# Senate Bill 206

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that construction contractor afforded opportunity to have complaint regarding residential defect mediated by Construction Contractors Board is not entitled to additional notice and opportunity to correct defect prior to owner compelling arbitration or commencing court action.

## A BILL FOR AN ACT

1  
2 Relating to the resolution of disputes regarding defects in residential properties; creating new pro-  
3 visions; and amending ORS 701.600.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 701.600 is amended to read:

6 701.600. ORS 701.560 to 701.595 and 701.605 do not apply:

7 (1) To personal injury or death claims.

8 (2) To claims or complaints filed pursuant to ORS 671.695 or 701.139.

9 (3) To claims against a person [*licensed*] **registered** under ORS 671.010 to 671.220.

10 (4) To complaints filed in a small claims department established in a justice court or circuit  
11 court as described in ORS 55.011.

12 (5) To counterclaims or other responses to a contractor, subcontractor or supplier claim, arbi-  
13 tration demand or complaint that arises out of, or is related to, a contract for the construction, al-  
14 teration or repair of a residence or a system, component or material incorporated into a residence.

15 **(6) To an arbitration or court action regarding a claim arising out of or related to a de-**  
16 **fect if:**

17 **(a) The owner has filed a complaint described under ORS 701.139 (1) against the same**  
18 **party alleging the same claim that is the subject of the arbitration or court action; and**

19 **(b) The party that was the subject of the complaint described under ORS 701.139 (1) was**  
20 **afforded an opportunity for mediation of the complaint under ORS 701.145.**

21 **SECTION 2.** The amendments to ORS 701.600 by section 1 of this 2013 Act apply to pe-  
22 titions to compel arbitration filed on or after the effective date of this 2013 Act and to court  
23 actions filed on or after the effective date of this 2013 Act.  
24

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.