**A** **BILL**

TO AMEND SECTION 40‑59‑840 OF THE 1976 CODE, RELATING TO NOTICE OF CLAIM ON A CONTRACTOR, TO PROVIDE THAT A CLAIMANT MUST SERVE WRITTEN NOTICE OF A CLAIM ON THE CONTRACTOR NO LATER THAN NINETY DAYS BEFORE EITHER FILING THE ACTION OR BEING JOINED TO, ADDED AS A CLASS MEMBER TO, OR OTHERWISE MADE A PARTY TO AN EXISTING ACTION, AND TO PROVIDE THAT THE NOTICE OF CLAIM MUST BE PROVIDED BY THE CLAIMANT INDIVIDUALLY AND MAY NOT BE PROVIDED IN A REPRESENTATIVE CAPACITY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40‑59‑840 of the 1976 Code is amended to read:

“Section 40‑59‑840 (A) In an action brought against a contractor or subcontractor arising out of the construction of a dwelling, the claimant must, no later than ninety days before either filing the action or being joined to, added as a class member to, or otherwise made a party to an existing action, serve a written notice of claim on the contractor. The notice of claim must be provided by the claimant individually and may not be provided in a representative capacity. The notice of claim must contain the following:

(1) a statement that the claimant asserts a construction defect;

(2) a description of the claim or claims in reasonable detail sufficient to determine the general nature of the construction defect; and

(3) a description of any results of the defect, if known.

The contractor or subcontractor shall advise the claimant within fifteen days of receipt of the claim if the construction defect is not sufficiently stated and shall request clarification.”

SECTION 2. This act takes effect upon approval by the Governor and applies to all pending actions and actions filed on or after such date.

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