

#### **411.270 Definitions for KRS 411.270 to 411.282.**

As used in KRS 411.270 to 411.282, unless the context otherwise requires:

- (1) "Action" means any civil lawsuit or action in contract or tort for damages or indemnity brought against a home inspector to assert a claim, whether by complaint, counterclaim, or cross-claim, for damages or the loss of use of real or personal property caused by a deficient home inspection or home inspection report regarding the inspection of a home. "Action" does not include any civil action in tort alleging personal injury or wrongful death to a person or persons resulting from a deficient home inspection or home inspection report;
- (2) "Claimant" means a client who asserts a claim against a home inspector concerning a deficient home inspection or home inspection report regarding the inspection of a home;
- (3) "Home" means a structure consisting of at least one (1) but not more than four (4) units, each designed for occupancy by a single family, whether the units are occupied or unoccupied;
- (4) "Home inspector" means a person licensed in accordance with KRS 198B.700 to 198B.738; and
- (5) "Serve" or "service" means personal service or delivery by certified mail to the last known address of the addressee.

**Effective:** July 13, 2004

**History:** Created 2004 Ky. Acts ch. 109, sec. 21, effective July 13, 2004.

**Legislative Research Commission Note (7/13/2004).** In 2004 Ky. Acts ch. 109, sec. 21, directed that this section be created as a new section of KRS Chapter 21, the statute has been codified in KRS Chapter 411 because it is clear from the subject matter of this statute, the structure of ch. 109, and the range created by ch. 109, secs. 21 to 27, that placement in KRS Chapter 411 was intended. See KRS 7.136(1)(a) and (h).

**Legislative Research Commission Note (7/13/2004).** In 2004 Ky. Acts ch. 109, sec. 21, subsec. (4), "home inspector" is defined as "a person licensed in accordance with Sections 1 to 27 of this Act." Because the home inspector licensure provisions in ch. 109 are confined to Sections 1 to 20, and Sections 21 to 27 set forth notice and opportunity to repair procedures that must be followed prior to bringing an action for damages against a home inspector, the reference to Sections 1 to 27 in subsection (4) has been changed by the Reviser of Statutes to the statutes at which Sections 1 to 20 are codified. See KRS 7.136(1)(a) and (h).