

Sec. 09.45.893. Notice required in contract.

(a) In order to take advantage of any rights of a construction professional under AS 09.45.881 - 09.45.899, when a construction professional enters into a contract with another person to design, construct, or remodel a dwelling, the construction professional shall give the person a notice of the construction professional's right to offer to cure a defect before the person may file an action in court against the construction professional.

(b) The notice required by (a) of this section must be included on a separate page attached to the contract and must contain a title at the top of the page that reads "Notice of Potential Claims Must Be Provided Within One Year." This form shall be signed by the purchaser or purchaser's authorized representative. The signature of either spouse to a design, construction, or remodeling contract shall be considered to be the authorization of both spouses.

(c) The notice required by (a) of this section must be conspicuous and must be in substantially the following form:

ALASKA LAW AT AS 09.45.881 - 09.45.899 CONTAINS
IMPORTANT REQUIREMENTS THAT YOU MUST FOLLOW BEFORE
YOU MAY FILE A COURT ACTION FOR DEFECTIVE DESIGN,
CONSTRUCTION, OR REMODELING AGAINST THE DESIGNER,
BUILDER, OR REMODELER OF YOUR HOME.

WITHIN ONE YEAR OF THE DISCOVERY OF A DESIGN,
CONSTRUCTION, OR REMODELING DEFECT, BEFORE YOU
FILE A COURT ACTION, YOU MUST DELIVER TO THE
DESIGNER, BUILDER, OR REMODELER A WRITTEN NOTICE
OF ANY DESIGN, CONSTRUCTION, OR REMODELING CONDITIONS
YOU ALLEGE ARE DEFECTIVE IN ORDER TO
PROVIDE YOUR DESIGNER, BUILDER, OR REMODELER WITH THE
OPPORTUNITY TO MAKE AN OFFER TO REPAIR OR PAY FOR THE
DEFECTS. YOU ARE NOT OBLIGATED TO ACCEPT ANY OFFER
MADE BY THE DESIGNER, BUILDER, OR REMODELER. THERE
ARE STRICT DEADLINES AND PROCEDURES UNDER STATE LAW,
AND FAILURE TO FOLLOW THEM MAY AFFECT YOUR RIGHT TO
FILE A COURT ACTION. ALASKA LAW AT AS 09.45.895
CONTAINS LIMITATIONS TO THE AMOUNT OF DAMAGES THAT
MAY BE RECOVERED IN A COURT ACTION FOR DEFECTIVE
DESIGN, CONSTRUCTION, OR REMODELING.