

198B.130 Private action for damages -- Time limitation.

- (1) Notwithstanding any other remedies available, any person or party, in an individual capacity or on behalf of a class of persons or parties, damaged as a result of a violation of this chapter or the Uniform State Building Code, has a cause of action in any court of competent jurisdiction against the person or party who committed the violation. An award may include damages and the cost of litigation. If a certificate of occupancy was not issued, then an award may also include reasonable attorney's fees.
- (2) Any action based upon a claim of violation of this section shall be brought within one (1) year of the date on which the damage is discovered or in the exercise of reasonable diligence could have been discovered. However, in no event shall an action be brought under this section more than ten (10) years after the date of first occupation or settlement date, whichever is sooner.
- (3) Nothing in this section shall be construed to bar any common law liability of a contractor or subcontractor or any right or cause of action against any contractor or subcontractor created by any other statute.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 62, sec. 1, effective July 15, 2020. -- Amended 1998 Ky. Acts ch. 445, sec. 1, effective July 15, 1998. -- Created 1978 Ky. Acts ch. 117, sec. 13, effective June 17, 1978.