

## HOUSE BILL NO. 160

INTRODUCED BY D. LENZ

1  
2  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ASSIGNING WARRANTY RESPONSIBILITY TO A REGISTERED  
5 CONTRACTOR FOR WORK DONE UNDER WRITTEN CONTRACT BY THE CONTRACTOR OR  
6 SUBCONTRACTORS; AMENDING SECTION 39-9-207, MCA; AND PROVIDING AN EFFECTIVE DATE AND  
7 AN APPLICABILITY DATE."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10  
11 **Section 1.** Section 39-9-207, MCA, is amended to read:  
12 **"39-9-207. Contractor registration -- limiting liability -- warranty under written contract.** (1) A  
13 person who, pursuant to an oral or written contract, engages a construction contractor who is registered under  
14 this chapter on the date of the contract is not liable as an employer for workers' compensation coverage under  
15 39-71-405, for unemployment insurance coverage, or for wages and fringe benefits for:

16 ~~(1)~~(a) the registered construction contractor;  
17 ~~(2)~~(b) the employees of the registered construction contractor; or  
18 ~~(3)~~(c) any subsequent subcontractor or the employees of any subsequent subcontractor engaged to fulfill  
19 a part of or all of the obligations of the oral or written contract of the registered construction contractor listed in  
20 this subsection (1).

21 (2) Only a person who has a written contract with a contractor registered under this part has recourse  
22 to warranty work to be performed by that contractor for any portion of the work done under the contract, including  
23 work done by a subcontractor that has received payment based on working under the contractor's registration.  
24 The contract must include the specifications listed in 28-2-2201(2)(g) for residential contractors and specify any  
25 subcontractors performing work under the contract.

26 (3) (a) A registered contractor subject to this section shall notify the person with an oral or written  
27 contract as to whether the work to be performed is under warranty by the registered contractor as provided in  
28 subsection (2) or, if an oral contract, by the subcontractor or subcontractors performing the work.

29 (b) For any work subject to warranty by the registered contractor, the registered contractor shall supply  
30 written contact information and a description of the warranty, the process for accessing the warranty, and the

1 timeframe governing the warranty as well as payment information as provided in Title 28, chapter 2, parts 21 and  
2 22."

3  
4 NEW SECTION. Section 2. Effective date -- applicability. [This act] is effective July 1, 2017, and  
5 applies to contracts entered into and signed on or after July 1, 2017.

6 - END -