

REFERENCE TITLE: purchaser dwelling actions; attorney fees

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2507

Introduced by
Representative Mitchell

AN ACT

AMENDING TITLE 12, CHAPTER 8, ARTICLE 14, ARIZONA REVISED STATUTES, BY
ADDING SECTION 12-1364; RELATING TO PURCHASER DWELLING ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 8, article 14, Arizona Revised
3 Statutes, is amended by adding section 12-1364, to read:

4 12-1364. Dwelling action; attorney fees

5 NOTWITHSTANDING ANY OTHER LAW, IN A CONTESTED DWELLING ACTION THAT
6 IS BASED ON AN IMPLIED WARRANTY ARISING OUT OF THE CONTRACT OR THE
7 CONSTRUCTION, INCLUDING AN IMPLIED WARRANTY OF HABITABILITY, FITNESS OR
8 WORKMANSHIP, EACH PARTY SHALL BEAR ITS OWN ATTORNEY FEES. THIS SECTION
9 DOES NOT ALTER, PROHIBIT OR RESTRICT PRESENT OR FUTURE CONTRACTS THAT MAY
10 PROVIDE FOR THE RECOVERY OF ATTORNEY FEES.

11 Sec. 2. Retroactivity

12 This act applies retroactively to from and after July 3, 2015.

13 Sec. 3. Severability

14 If a provision of this act or its application to any person or
15 circumstance is held invalid, the invalidity does not affect other
16 provisions or applications of the act that can be given effect without the
17 invalid provision or application, and to this end the provisions of this
18 act are severable.