

Representative Eric K. Hutchings proposes the following substitute bill:

1 **AMENDMENTS TO CONSTRUCTION**
2 **CONTRACTS REGARDING UNREASONABLE**
3 **DELAYS**

4 2003 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: Eric K. Hutchings**

7 **This act modifies the Commerce and Trade Code to prohibit the inclusion of a provision**
8 **in a construction contract which would waive, release, limit, or extinguish the right to**
9 **recover damages or an equitable adjustment for unreasonable delay by another party to**
10 **the contract. The act applies to construction contracts entered into on or after July 1,**
11 **2003.**

12 This act affects sections of Utah Code Annotated 1953 as follows:

13 ENACTS:

14 **13-8-6**, Utah Code Annotated 1953

15 *Be it enacted by the Legislature of the state of Utah:*

16 Section 1. Section **13-8-6** is enacted to read:

17 **13-8-6. Waiver of right to damages for unreasonable delay prohibited.**

18 (1) A party to a construction contract, as defined in Section 13-8-5, may seek recovery
19 for damages or an equitable adjustment arising out of an unreasonable delay in performance
20 caused by an act or omission or another party to the contract, or a person acting for that party,
21 when the provisions of the construction contract allow at least one party to recover damages for
22 delay.

23 (2) This section shall not apply to construction contracts for construction of a residence
24 as defined in Section 38-11-102.

25 (3) This section applies only to construction contracts entered on or after July 1, 2003.

