



Wisconsin "Right to Cure Law"

On March 27, 2006, the Wisconsin Legislature enacted 2005 Wisconsin Act 201, the "Right to Cure Law". The Act takes effect October 1, 2006, a date that's fast approaching.

According to the Act:

"Before entering into a written contract to construct or remodel a dwelling, or, if the parties enter into an oral contract, as soon as reasonably possible, but before commencing any work to construct or remodel a dwelling, the contractor shall deliver to the consumer a copy of the brochure prepared under s. 895.07 (13) and a notice worded substantially as follows:

NOTICE CONCERNING CONSTRUCTION DEFECTS

Wisconsin law contains important requirements you must follow before you may file a lawsuit for defective construction against the contractor who constructed your dwelling or completed your remodeling project or against a window or door supplier or manufacturer. Section 895.07 (2) and (3) of the Wisconsin statutes requires you to deliver to the contractor a written notice of any construction conditions you allege are defective before you file your lawsuit, and you must provide your contractor or window or door supplier the opportunity to make an offer to repair or remedy the alleged construction defects. You are not obligated to accept any offer made by the contractor or window or door supplier. All parties are bound by applicable warranty provisions.

(b) The notice required under par. (a) shall be conspicuous and in writing and may be included within the contract between the contractor and the consumer."

(Wisconsin Statute Section 101.148 Contractor notices. (2) Notice Required at Time of Contracting.)

The brochure referenced in the Act is now available from the Wisconsin Department of Commerce. You'll find it on the Department's website:

<http://commerce.wi.gov/SB/SB-DivPublications.html>

The website also contains a link to the entire 2005 Wisconsin Act 201.