

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 229

SENATE BILL 1176

AN ACT

AMENDING SECTION 12-1361, ARIZONA REVISED STATUTES; 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. Section 12-1361, Arizona Revised Statutes, is amended to
3 read:

4 12-1361. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Association" means either of the following:

7 (a) The unit owners' association organized under section 33-1241.

8 (b) A nonprofit corporation or unincorporated association of owners
9 created pursuant to a declaration to own and operate portions of a planned
10 community and which has the power under the declaration to assess association
11 members to pay the costs and expenses incurred in the performance of the
12 association's obligations under the declaration.

13 2. "Community documents" means the declaration, bylaws, articles of
14 incorporation, if any, and rules, if any.

15 3. " Dwelling " means a single or multifamily unit designed for
16 residential use and common areas and improvements that are owned or
17 maintained by an association or by members of an association. A dwelling
18 includes the systems, other components and improvements that are part of a
19 single or multifamily unit at the time of construction.

20 4. " Dwelling action " means any action brought by a purchaser against
21 the seller of a dwelling arising out of or related to the design,
22 construction, condition or sale of the dwelling.

23 5. " Multiunit dwelling action " means a dwelling action brought by an
24 association or by or on behalf of the owners of five or more individual
25 dwelling units.

26 6. " Purchaser " means any person or entity who files a dwelling action.

27 7. " Seller " means any person, firm, partnership, corporation,
28 association or other organization that is engaged in the business of
29 designing, constructing or selling dwellings, ~~including a person, firm,~~
30 ~~partnership, corporation, association or organization licensed pursuant to~~
31 ~~title 32, chapter 20.~~ SELLER DOES NOT INCLUDE A REAL ESTATE BROKER OR REAL
32 ESTATE SALESPERSON AS DEFINED IN TITLE 32, CHAPTER 20 WHO PROVIDES SERVICES
33 IN CONNECTION WITH THE RESALE OF A DWELLING FOLLOWING ITS INITIAL SALE.

APPROVED BY THE GOVERNOR MAY 20, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2008.