

## WEST VIRGINIA CODE: §21-11A-2

### **§21-11A-2. Applicability of article.**

This article does not apply to an action:

- (1) Against a contractor for which a claimant, as a consumer, is entitled to a specific remedy pursuant to Chapter 46A of this code;
- (2) Against a contractor who is not licensed under the provisions of §30-42-1 *et seq.*, of this code;
- (3) Demanding damages of \$5,000 or less;
- (4) Alleging a construction defect that poses an imminent threat of injury to person or property;
- (5) Alleging a construction defect that causes property not to be habitable;
- (6) Against a contractor who failed to provide the notice required by §21-11A-5 or §21-11A-6 of this code;
- (7) Against a contractor if the parties to the contract agreed to submit claims to mediation, arbitration, or another type of alternative dispute resolution; or
- (8) Alleging claims for personal injury or death.