WEST VIRGINIA CODE: §21-11A-4

§21-11A-4. Applicability of definitions; definitions.

For the purposes of this article, the words or terms defined in this article, and any variation of those words or terms required by the context, have the meanings ascribed to them in this article. These definitions are applicable unless a different meaning clearly appears from the context.

(1) “Action” means any civil action, or any alternative dispute resolution proceeding other than the negotiation required under this article, for damages, asserting a claim for injury or loss to real or personal property caused by an alleged defect arising out of or related to residential improvements.

(2) “Claim” means a demand for damages by a claimant based upon an alleged construction defect in residential improvements.

(3) “Claimant” means a homeowner, including a subsequent purchaser, who asserts a claim against a contractor concerning an alleged construction defect in residential improvements.

(4) “Construction defect” means a deficiency in, or a deficiency arising out of, the design, specifications, planning, supervision or construction of residential improvements that results from any of the following:

(A) Defective material, products, or components used in the construction of residential improvements;

(B) Violation of the applicable codes in effect at the time of construction of residential improvements;

(C) Failure in the design of residential improvements to meet the applicable professional standards of care;

(D) Failure to complete residential improvements in accordance with accepted trade standards for good and workmanlike construction: *Provided*, That compliance with the applicable codes in effect at the time of construction is prima facie evidence of construction in accordance with accepted trade standards for good and workmanlike construction, with respect to all matters specified in those codes; or

(E) Failure to properly oversee, supervise, and inspect services or goods provided by the contractor’s subcontractor, officer, employee, agent, or other person furnishing goods or services.

(5) “Contract” means a written contract between a contractor and a claimant by the terms of which the contractor agrees to provide goods or services, by sale or lease, to or for a

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claimant.

(6) “Contractor” means a contractor, licensed under the provisions of §30-42-1 *et seq*., of this code, who has entered into a contract directly with a claimant. The term does not include the contractor’s subcontractor, officer, employee, agent or other person furnishing goods or services to a claimant.

(7) “Day” means a calendar day. If an act is required to occur on a day falling on a Saturday, Sunday or holiday, the first working day which is not one of these days should be counted as the required day for purposes of this article.

(8) “Goods” means supplies, materials, or equipment.

(9) “Parties” means: (A) The claimant; and (B) any contractor, subcontractor, agent or other person furnishing goods or services and upon whom a claim of an alleged construction defect has been served under this article.

(10) “Residential improvements” means: (A) The construction of a residential dwelling or appurtenant facility or utility; (B) an addition to, or alteration, modification, or rehabilitation of an existing dwelling or appurtenant facility or utility; or (C) repairs made to an existing dwelling or appurtenant facility or utility; In addition to actual construction or renovation, residential improvements actually added to residential real property include the design, specifications, surveying, planning, goods, services and the supervision of a contractor’s subcontractor, officer, employee, agent, or other person furnishing goods or services to a claimant.

(11) “Services” means the furnishing of skilled or unskilled labor or consulting or professional work, or a combination thereof.

(12) “Subcontractor” means a contractor who performs work on behalf of another contractor on residential improvements.

(13) “Supplier” means a person who provides goods for residential improvements.

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