

~~SHORTER TIME AS SPECIFIED BY THE SECRETARY IF THE PLAN RECEIVES LESS THAN 90 DAYS' NOTICE.~~

~~(P) (1) IF AN OWNER DOES NOT WISH TO REQUIRE THAT A CONTRACTOR OBTAIN WARRANTY COVERAGE OR AN IRREVOCABLE LETTER OF CREDIT UNDER SUBSECTION (B)(2) OF THIS SECTION, THE OWNER SHALL MAKE AN AFFIRMATIVE WAIVER OF THE COVERAGE OR LETTER OF CREDIT.~~

~~(2) BEFORE AN OWNER MAKES A WAIVER UNDER THIS SUBSECTION, THE OWNER MUST BE INFORMED IN WRITING BY THE CONTRACTOR OF THE COST, NATURE, AND EXTENT OF COVERAGE THAT WOULD BE PROVIDED IF NOT WAIVED BY THE OWNER.~~

~~(3) THE WAIVER UNDER THIS SUBSECTION SHALL BE MADE ON A FORM REQUIRED BY THE SECRETARY.~~

~~(4) THE FORM SHALL CLEARLY AND CONCISELY EXPLAIN IN 12 POINT BOLDFACE TYPE ON A SEPARATE PIECE OF PAPER:~~

~~(I) THE NATURE, EXTENT, AND COST OF THE PROTECTION THAT WOULD BE PROVIDED IF NOT WAIVED BY THE OWNER;~~

~~(II) THAT THE FAILURE OF THE OWNER TO MAKE A WAIVER REQUIRES THE BUILDER TO OBTAIN WARRANTY COVERAGE OR AN IRREVOCABLE LETTER OF CREDIT UNDER SUBSECTION (B) OF THIS SECTION; AND~~

~~(III) THAT A CONTRACTOR MAY NOT REFUSE TO PERFORM A HOME IMPROVEMENT FOR THE OWNER BECAUSE THE OWNER REFUSES TO WAIVE WARRANTY COVERAGE.~~

~~(Q) (1) A CONTRACTOR MAY MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION BY OBTAINING:~~

~~(I) A CASH, SURETY, OR PROPERTY BOND ISSUED BY A BOND COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE; OR~~

~~(II) AN IRREVOCABLE LETTER OF CREDIT ISSUED BY A BANK AUTHORIZED TO DO BUSINESS IN THIS STATE.~~

~~(2) THE BOND OR IRREVOCABLE LETTER OF CREDIT OBTAINED UNDER THIS SUBSECTION SHALL BE:~~

~~(I) PAYABLE TO THE OWNER FOR DAMAGE RESULTING FROM THE BREACH OF THE HOME IMPROVEMENT CONTRACT; AND~~

~~(II) IN AN AMOUNT OF AT LEAST THE FACE VALUE OF THE CONTRACT.~~