

Article - Commercial Law

SUBTITLE 12A. WATERPROOFING

14-12A-01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "ADVERTISING" MEANS ANY ORAL, WRITTEN, PRINTED, OR GRAPHIC STATEMENT OR REPRESENTATION MADE IN CONNECTION WITH THE SOLICITATION OR SALE OF BASEMENT WATERPROOFING SERVICES.

(C) "BASEMENT" MEANS A SUBSURFACE OR SUBTERRANEAN PORTION OF A HOME, DWELLING, OR OTHER BUILDING.

(D) "BASEMENT WATERPROOFING" MEANS THE USE OR APPLICATION OF MATERIALS OR PROCESSES FOR THE PREVENTION OR CONTROL OF WATER LEAKAGE OR WATER FLOW THROUGH THE BASEMENT WALLS OR FLOORING INTO THE INTERIOR PORTION OF A BASEMENT.

(E) "ENGINEER'S ANALYSIS" MEANS A WRITTEN REPORT, FROM A PROFESSIONAL ~~GEO-TECHNICAL~~ ENGINEER OR ARCHITECT REGISTERED AND CERTIFIED IN THIS STATE, CONTAINING:

(1) AN ANALYSIS OF SOIL CONDITIONS, WATER TABLES OR PRESSURE, AND OTHER FACTORS OR CONDITIONS THAT AFFECT THE EXISTENCE AND CORRECTION OF BASEMENT WATER PROBLEMS; AND

(2) AN OPINION AS TO THE PROBABILITY THAT THE PROCESS AND THE PARTICULAR SUBSTANCES OR MATERIALS WHICH ARE TO BE USED IN THE PERFORMANCE OF BASEMENT WATERPROOFING SERVICES WILL OR WILL NOT CURE THE BASEMENT WATER PROBLEM OR HAVE A SIGNIFICANT WATERPROOFING EFFECT.

(F) "SELLER" MEANS A PERSON, OR AN AGENT, REPRESENTATIVE, OR EMPLOYEE OF A PERSON ENGAGED IN THE BUSINESS OF BASEMENT WATERPROOFING.

(G) "SELLER'S ANALYSIS" MEANS A WRITTEN STATEMENT, BY THE SELLER, OF THE CAUSES AND CONDITIONS RESPONSIBLE FOR THE BUYER'S BASEMENT WATER PROBLEM AND THE SPECIFIC PROCESSES AND MATERIALS TO BE USED TO CORRECT THE PROBLEM.

(H) "SOIL INJECTION/PRESSURE PUMPING" MEANS A BASEMENT WATERPROOFING PROCESS IN CONNECTION WITH WATERPROOFING SERVICES IN WHICH:

(1) A SUBSTANCE IS INJECTED INTO THE GROUND ADJACENT TO THE BASEMENT WALLS OR BENEATH THE BASEMENT FOUNDATION OR FLOOR BY PIPES OR OTHER CONDUITS; OR

(2) SUBSTANCES ARE POURED INTO SHALLOW TRENCHES ADJACENT TO BASEMENT WALLS FOR THE PURPOSE OF PROTECTING OR SEALING THE BASEMENT WALLS, FOUNDATION, FLOORS OR EXTERIOR SOIL AGAINST WATER PENETRATION.