

PERFORMED BY ANYONE OTHER THAN THE BUILDER OR THE BUILDER'S EMPLOYEES, AGENTS, OR SUBCONTRACTORS;

(IV) ANY DAMAGE THAT THE OWNER HAS NOT TAKEN TIMELY ACTION TO MINIMIZE OR FOR WHICH THE OWNER HAS FAILED TO PROVIDE TIMELY NOTICE TO THE BUILDER;

(V) NORMAL WEAR AND TEAR OR NORMAL DETERIORATION;

(VI) INSECT DAMAGE, EXCEPT WHERE THE BUILDER HAS FAILED TO USE PROPER MATERIALS OR CONSTRUCTION METHODS DESIGNED TO PREVENT INSECT INFESTATION;

(VII) ANY LOSS OR DAMAGE THAT ARISES WHILE THE HOME IS BEING USED PRIMARILY FOR NONRESIDENTIAL PURPOSES;

(VIII) ANY DAMAGE TO THE EXTENT IT IS CAUSED OR MADE WORSE BY NEGLIGENCE, IMPROPER MAINTENANCE OR IMPROPER OPERATIONS BY ANYONE OTHER THAN THE BUILDER OR ITS EMPLOYEES, AGENTS, OR SUBCONTRACTORS;

(IX) ANY DAMAGE TO THE EXTENT IT IS CAUSED OR MADE WORSE BY CHANGES OF THE GRADING OF THE GROUND BY ANYONE OTHER THAN THE BUILDER, ITS EMPLOYEES, AGENTS, OR SUBCONTRACTORS; AND

(X) ANY LOSS OR DAMAGE CAUSED BY ACTS OF GOD.

(B) A BUILDER WHO HAS DISCLOSED THAT THE BUILDER PARTICIPATES IN A NEW HOME WARRANTY SECURITY PLAN SHALL:

(1) FURNISH TO THE OWNER AT THE TIME OF THE PURCHASE OR CONSTRUCTION CONTRACT:

(I) THE NAME AND PHONE NUMBER OF THE BUILDER'S NEW HOME WARRANTY SECURITY PLAN;

(II) DETAILS OF THE WARRANTY COVERAGE PROVIDED UNDER THE PLAN; AND

(III) IN A FORM TO BE DETERMINED BY THE SECRETARY, EVIDENCE THAT:

1. THE BUILDER CURRENTLY IS A PARTICIPANT IN GOOD STANDING WITH A PLAN THAT SATISFIES THE REQUIREMENTS OF § 10-606(A) OF THIS TITLE; AND

2. THE NEW HOME IS ELIGIBLE FOR ~~ENROLLMENT~~ REGISTRATION OR HAS BEEN ~~ENROLLED~~ REGISTERED IN THE BUILDER'S NEW HOME WARRANTY SECURITY PLAN; AND