

AMENDMENT 34
CONSTRUCTION LIABILITY

1 **Ballot Title:** An amendment to the Colorado constitution concerning recovery of
2 damages relating to construction of real property improvements, and, in connection
3 therewith, prohibiting laws that limit or impair a property owner's right to recover
4 damages caused by a failure to construct an improvement in a good and workmanlike
5 manner; defining "good and workmanlike manner" to include construction that is suitable
6 for its intended purposes; and permitting exceptions for laws that limit punitive damages,
7 afford governmental immunity, or impose time limits of specified minimum lengths on
8 filing lawsuits.

9 **Text of Proposed Amendment:**

10 *Be it enacted by the People of the State of Colorado:*

11 Article XVIII of the constitution of the state of Colorado is amended BY THE
12 ADDITION OF A NEW SECTION to read:

13 **Section 15. Protection of property owner's right to workmanlike**
14 **construction.** NO LAW SHALL LIMIT OR IMPAIR A PUBLIC OR PRIVATE PROPERTY OWNER'S
15 RIGHT TO RECOVER DAMAGES, OTHER THAN PUNITIVE DAMAGES, CAUSED BY THE FAILURE
16 TO CONSTRUCT AN IMPROVEMENT TO REAL PROPERTY IN A GOOD AND WORKMANLIKE
17 MANNER. STATUTES OF LIMITATIONS OF NOT LESS THAN TWO YEARS AND STATUTES OF
18 REPOSE OF NOT LESS THAN SIX YEARS, AS WELL AS LAWS AFFORDING GOVERNMENTAL
19 IMMUNITY, SHALL BE PERMITTED. CONSTRUCTION IN A "GOOD AND WORKMANLIKE
20 MANNER" SHALL INCLUDE, WITHOUT LIMITATION, CONSTRUCTION SO THAT THE
21 IMPROVEMENT TO REAL PROPERTY IS SUITABLE FOR ITS INTENDED PURPOSES. THIS
22 SECTION SHALL BE STRICTLY ENFORCED.