

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0521.01 Bart Miller x2173

SENATE BILL 15-091

SENATE SPONSORSHIP

Scott,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING A REDUCTION IN THE STATUTORY LIMITATION PERIOD
102 APPLICABLE TO LEGAL ACTIONS FOR CONSTRUCTION DEFECTS
103 ON IMPROVEMENTS TO REAL PROPERTY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill reduces the maximum statutory limitation period for an action against an architect, contractor, builder or builder vendor, engineer, or inspector performing or furnishing the design, planning, supervision, inspection, construction, or observation of construction of any improvement to real property from 8 years to 4 years.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 13-80-104, **amend**
3 (1) (a) and (2) as follows:

4 **13-80-104. Limitation of actions against architects,**
5 **contractors, builders or builder vendors, engineers, inspectors, and**
6 **others.** (1) (a) Notwithstanding any statutory provision to the contrary,
7 all actions against any architect, contractor, builder or builder vendor,
8 engineer, or inspector performing or furnishing the design, planning,
9 supervision, inspection, construction, or observation of construction of
10 any improvement to real property shall be brought within the time
11 provided in section 13-80-102 after the claim for relief arises, and not
12 thereafter, but in no case shall such an action be brought more than six
13 THREE years after the substantial completion of the improvement to the
14 real property, except as provided in subsection (2) of this section.

15 (2) ~~In case any such~~ IF A cause of action SUBJECT TO THIS SECTION
16 arises during the ~~fifth~~ SECOND or ~~sixth~~ THIRD year after substantial
17 completion of the improvement to real property, ~~said~~ THE action ~~shall~~
18 MUST be brought within ~~two years~~ ONE YEAR after the date upon which
19 ~~said~~ THE cause of action arises.

20 **SECTION 2. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
22 the expiration of the ninety-day period after final adjournment of the
23 general assembly (August 5, 2015, if adjournment sine die is on May 6,
24 2015); except that, if a referendum petition is filed pursuant to section 1
25 (3) of article V of the state constitution against this act or an item, section,
26 or part of this act within such period, then the act, item, section, or part

1 will not take effect unless approved by the people at the general election
2 to be held in November 2016 and, in such case, will take effect on the
3 date of the official declaration of the vote thereon by the governor.

4 (2) This act applies to causes of action against an architect,
5 contractor, builder or builder vendor, engineer, or inspector performing
6 or furnishing the design, planning, supervision, inspection, construction,
7 or observation of construction of any improvement to real property on or
8 after the applicable effective date of this act.