

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

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.

SENATE
Amended 2nd Reading
April 9, 2015

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); and add (1.5) 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~~ EXCEPT AS PROVIDED IN SUBSECTION
7 (1.5) OF THIS SECTION, NOTWITHSTANDING any statutory provision to the
8 contrary, all actions against any architect, contractor, builder or builder
9 vendor, engineer, or inspector performing or furnishing the design,
10 planning, supervision, inspection, construction, or observation of
11 construction of any improvement to real property shall be brought within
12 the time provided in section 13-80-102 after the claim for relief arises,
13 and not thereafter, but in no case shall such an action be brought more
14 than six years after the substantial completion of the improvement to
15 the real property, except as provided in subsection (2) of this section.

16 (1.5) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1)
17 OF THIS SECTION TO THE CONTRARY, ALL ACTIONS AGAINST ANY
18 ARCHITECT, CONTRACTOR, BUILDER OR BUILDER VENDOR, ENGINEER, OR
19 INSPECTOR PERFORMING OR FURNISHING THE DESIGN, PLANNING,
20 SUPERVISION, INSPECTION, CONSTRUCTION, OR OBSERVATION OF
21 CONSTRUCTION OF ANY IMPROVEMENT TO SINGLE-FAMILY DETACHED
22 RESIDENTIAL REAL PROPERTY SHALL BE BROUGHT WITHIN THE TIME
23 PROVIDED IN SECTION 13-80-102 AFTER THE CLAIM FOR RELIEF ARISES,
24 AND NOT THEREAFTER, BUT IN NO CASE SHALL SUCH AN ACTION BE
25 BROUGHT MORE THAN FIVE YEARS AFTER THE SUBSTANTIAL COMPLETION
26 OF THE IMPROVEMENT TO THE REAL PROPERTY, EXCEPT AS PROVIDED IN

1 SUBSECTION (2) OF THIS SECTION.

2 (b) IF A CAUSE OF ACTION SUBJECT TO THIS SUBSECTION (1.5)
3 ARISES DURING THE FOURTH OR FIFTH YEAR AFTER SUBSTANTIAL
4 COMPLETION OF THE IMPROVEMENT TO SINGLE-FAMILY DETACHED
5 RESIDENTIAL REAL PROPERTY, THE ACTION MUST BE BROUGHT WITHIN ONE
6 YEAR AFTER THE DATE UPON WHICH THE CAUSE OF ACTION ARISES.

7 (2) EXCEPT AS PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, in
8 case any such cause of action arises during the fifth or sixth year after
9 substantial completion of the improvement to real property, said action
10 shall be brought within one year after the date upon which the cause of
11 action arises.

12 **SECTION 2. Act subject to petition - effective date -**
13 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
14 the expiration of the ninety-day period after final adjournment of the
15 general assembly (August 5, 2015, if adjournment sine die is on May 6,
16 2015); except that, if a referendum petition is filed pursuant to section 1
17 (3) of article V of the state constitution against this act or an item, section,
18 or part of this act within such period, then the act, item, section, or part
19 will not take effect unless approved by the people at the general election
20 to be held in November 2016 and, in such case, will take effect on the
21 date of the official declaration of the vote thereon by the governor.

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