

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 15-0521.01 Bart Miller x2173

**SENATE BILL 15-091**

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**SENATE SPONSORSHIP**

**Scott,**

**HOUSE SPONSORSHIP**

**Willett,**

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**Senate Committees**

State, Veterans, & Military Affairs

**House Committees**

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**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.**

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**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  
3rd Reading Unamended  
April 10, 2015

SENATE  
Amended 2nd Reading  
April 9, 2015

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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.