

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

2
3 **SECTION 1.** 13-20-806 (1), (2), (3), and (4), Colorado Revised Statutes are amended to read:

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5 **13-20-806. Limitation of Damages.** (1) A construction professional otherwise liable shall not
6 be liable for more than actual damages, ~~unless and only if the claimant otherwise prevails on the~~
7 ~~claim that a violation of the "Colorado Consumer Protection Act", article 1 of title 6, C.R.S., has~~
8 ~~occurred; and if:~~

9
10 (a) The construction professional's monetary offer, made pursuant to section 13-20-803.5 (3), to
11 settle for a sum certain a construction defect claim described in a notice of claim is less than
12 eighty-five percent of the amount awarded to the claimant as actual damages sustained exclusive
13 of costs, interest, and attorney fees; or

14
15 (b) The reasonable cost, as determined by the trier of fact, to complete the construction
16 professional's offer, made pursuant to section 13-20-803.5, to remedy the construction defect
17 described in the notice of claim is less than eighty-five percent of the amount awarded to the
18 claimant as actual damages sustained exclusive of costs, interest, and attorney fees.

19
20 (2) If a construction professional does not substantially comply with the terms of an accepted
21 offer to remedy or an accepted offer to settle a claim for a construction defect made pursuant to
22 section 13-20-803.5 or if a construction professional fails to respond to a notice of claim, the
23 construction professional shall be subject to the treble damages ~~provision of section 6-1-113 (2)~~
24 ~~(a) (III), C.R.S.; except that a construction professional shall be subject to the treble damages~~
25 ~~provision only if the claimant otherwise prevails on the claim that a violation of the "Colorado~~
26 ~~Consumer Protection Act", article 1 of title 6, C.R.S., has occurred.~~

27
28 (3) Notwithstanding any other provision of law, the aggregate amount of treble damages awarded
29 in an action under section 6-1-113 (2) (a) (III), C.R.S., and attorney fees awarded to a claimant
30 under section 6-1-113 (2) (b), C.R.S., shall not exceed ~~two~~ SEVEN hundred fifty thousand dollars
31 in any action against a construction professional.

32
33 (4) (a) In an action asserting personal injury or bodily injury as a result of a construction defect
34 in which damages for noneconomic loss or injury or derivative noneconomic loss or injury may
35 be awarded, such damages shall not exceed the sum of ~~two~~ SEVEN hundred fifty thousand dollars.
36 As used in this subsection (4), "noneconomic loss or injury" has the same meaning as set forth in
37 section 13-21-102.5 (2) (b), and "derivative noneconomic loss or injury" has the same meaning
38 as set forth in section 13-21-102.5 (2) (a).

39
40 **SECTION 2. Conforming amendments.** The People hereby direct the general assembly to
41 promptly adopt during the first regular session of the 67th general assembly any further
42 conforming amendments to the Colorado Revised Statutes necessary for the implementation of
43 this initiative so that the intent of the People in approving this measure is given full effect.

44
45 **SECTION 3. Effective date.** If approved by a majority of votes cast thereon, this initiative
46 shall take effect upon proclamation of the governor.

Proponents:

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