First Regular Session Seventieth General Assembly STATE OF COLORADO

REENGROSSED

This Version Includes All Amendments Adopted in the House of Introduction SENATE BILL 15-091

LLS NO. 15-0521.01 Bart Miller x2173

SENATE SPONSORSHIP

Scott,

HOUSE SPONSORSHIP

Willett,

Senate Committees State, Veterans, & Military Affairs **House Committees**

A BILL FOR AN ACT

101 CONCERNING A REDUCTION IN THE STATUTORY LIMITATION PERIOD

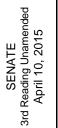
102 APPLICABLE TO LEGAL ACTIONS FOR CONSTRUCTION DEFECTS

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 <u>http://www.leg.state.co.us/billsummaries</u>.)

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.





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) <u>Notwithstanding EXCEPT AS PROVIDED IN SUBSECTION</u> 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 <u>six</u> 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 <u>SUBSECTION (2) OF THIS SECTION.</u>

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.

(2) This act applies to causes of 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 on or
after the applicable effective date of this act.