

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0529.01 Duane Gall x4335

SENATE BILL 17-155

SENATE SPONSORSHIP

Tate,

HOUSE SPONSORSHIP

Saine,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE STATUTORY DEFINITION OF A CONSTRUCTION**
102 **DEFECT FOR PURPOSES OF THE "CONSTRUCTION DEFECT**
103 **ACTION REFORM ACT".**

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://leg.colorado.gov>.)

The bill separately defines and clarifies the term "construction defect" in the "Construction Defect Action Reform Act".

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, 13-20-802.5, **amend**
3 (1); and **add** (3.5) as follows:

4 **13-20-802.5. Definitions.** As used in this part 8, unless the
5 context otherwise requires:

6 (1) "Action" means a civil action or an arbitration proceeding for
7 damages, indemnity, or contribution brought against a construction
8 professional to assert a claim, counterclaim, cross-claim, or third-party
9 ~~claim for damages or loss to, or the loss of use of, real or personal~~
10 ~~property or personal injury caused by a defect in the design or~~
11 ~~construction of an improvement to real property~~ BASED ON A
12 CONSTRUCTION DEFECT.

13 (3.5) "CONSTRUCTION DEFECT" MEANS A DEFECT IN THE DESIGN OR
14 CONSTRUCTION OF ANY IMPROVEMENT TO REAL PROPERTY THAT CAUSES:

15 (a) ANY DAMAGES TO, OR THE LOSS OF USE OF, REAL OR PERSONAL
16 PROPERTY; OR

17 (b) PERSONAL INJURY.

18 **SECTION 2. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2018 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.