

HB1279_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.HB17-1279 be amended as follows:

- 1 Amend printed bill, page 3, line 19, strike "FIFTEEN" and substitute "TEN"
2 and strike "THIRTY" and substitute "FIFTEEN".
- 3 Page 3, line 23, after "MEETING." insert "IN NO EVENT SHALL THE TIME
4 PERIOD FOR PROVIDING THE NOTICE REQUIRED PURSUANT TO SUBSECTION
5 (1)(c)(I) OF THIS SECTION, HOLDING THE MEETING REQUIRED PURSUANT TO
6 THIS SUBSECTION (1)(c)(II), AND VOTING AS REQUIRED BY SUBSECTION
7 (1)(d) OF THIS SECTION EXCEED NINETY DAYS."
- 8 Page 3, line 26, strike everything after the period.
- 9 Page 3, strike line 27.
- 10 Page 4, strike line 1 and substitute "THE DISCLOSURE AND VOTING PERIOD
11 SHALL END NINETY DAYS AFTER THE MAILING DATE OF THE MEETING
12 NOTICE OR WHEN THE ASSOCIATION DETERMINES THAT THE
13 CONSTRUCTION DEFECT ACTION IS EITHER APPROVED OR DISAPPROVED,
14 WHICHEVER OCCURS FIRST."
- 15 Page 4, line 11, strike "GENERAL".
- 16 Page 4, line 12, after "ACTION," insert "WHICH DESCRIPTION IDENTIFIES
17 ALLEGED DEFECTS WITH REASONABLE SPECIFICITY,".
- 18 Page 4, strike line 14 and substitute "PERTINENT INFORMATION.
19 REASONABLE SPECIFICITY DOES NOT REQUIRE EXPERT OPINIONS. THE
20 NOTICE SHALL ALSO INCLUDE THE FOLLOWING DISCLOSURES:".
- 21 Page 7, strike lines 13 through 16 and substitute:
- 22 "(II) (A) NOTHING IN THIS SECTION ALTERS THE TOLLING
23 PROVISIONS OF SECTION 13-20-805.
24 (B) ALL STATUTES OF LIMITATION AND REPOSE APPLICABLE TO
25 CLAIMS BASED ON DEFECTS DESCRIBED WITH REASONABLE SPECIFICITY IN
26 THE NOTICE, WHICH MAY BE SUPPLEMENTED OR AMENDED PURSUANT TO
27 SUBSECTION (1)(c)(IV) OF THIS SECTION, ARE TOLLED FROM THE DATE THE
28 NOTICE SENT PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION IS MAILED
29 UNTIL EITHER THE NINETY-DAY VOTING AND DISCLOSURE PERIOD ENDS OR



1 UNTIL THE ASSOCIATION DETERMINES THAT THE CONSTRUCTION DEFECT
2 ACTION IS EITHER APPROVED OR DISAPPROVED, WHICHEVER OCCURS FIRST.
3 (C) THE APPLICABLE STATUTES OF LIMITATION AND REPOSE THAT
4 APPLY TO CLAIMS BASED ON A DEFECT DESCRIBED IN THE NOTICE WITH
5 REASONABLE SPECIFICITY ARE TOLLED PURSUANT TO THIS SUBSECTION
6 (1)(d)(II) ONCE, AND MAY NOT EXTEND THE STATUTES OF LIMITATION AND
7 REPOSE THAT APPLY TO CLAIMS BASED ON THAT DEFECT FOR MORE THAN
8 A TOTAL OF NINETY DAYS, RESPECTIVELY; EXCEPT THAT, IF A DEFECT NOT
9 INCLUDED IN THE NOTICE SENT PURSUANT TO SUBSECTION (1)(c) OF THIS
10 SECTION IS THE SUBJECT OF A LATER VOTE, TOLLING PURSUANT TO THIS
11 SUBSECTION (1)(d) APPLIES."

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