

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government & Housing.

HB25-1272 be amended as follows:

1 Amend reengrossed bill, page 5, line 22, strike "VERISON" and substitute
2 "VERSION".

3 Page 12, line 11, strike "SECTION 13-20-803.5" and substitute
4 "SUBSECTION (9) OF THIS SECTION".

5 Page 15, after line 9 insert:

6 "(c) IF A CLAIMANT UNREASONABLY REJECTS A REASONABLE
7 WRITTEN OFFER OF SETTLEMENT MADE PURSUANT TO THIS SUBSECTION (9)
8 AND SUBSEQUENTLY COMMENCES AN ACTION AGAINST THE
9 CONSTRUCTION PROFESSIONAL, THE COURT MAY AWARD ATTORNEY FEES
10 AND COSTS TO THE CONSTRUCTION PROFESSIONAL.

11 (d) IF A CONSTRUCTION PROFESSIONAL FAILS TO MAKE A
12 REASONABLE WRITTEN OFFER OF SETTLEMENT PURSUANT TO THIS
13 SUBSECTION (9), THE LIMITATIONS ON DAMAGES AND DEFENSES TO
14 LIABILITY PROVIDED IN SUBSECTIONS (2), (5), (6), (7), AND (8) OF THIS
15 SECTION DO NOT APPLY, AND THE COURT MAY AWARD ATTORNEY FEES
16 AND COSTS TO THE CLAIMANT.

17 (e) (I) A CONSTRUCTION PROFESSIONAL'S WRITTEN OFFER OF
18 SETTLEMENT IS REASONABLE, AND A CLAIMANT'S REJECTION OF THE OFFER
19 IS UNREASONABLE, IF THE CLAIMANT RECOVERS A FINAL JUDGMENT IN AN
20 AMOUNT THAT IS LESS THAN THE AMOUNT OFFERED OR THE REASONABLE
21 VALUE OF THE REPAIR OFFERED BY THE CONSTRUCTION PROFESSIONAL.

22 (II) A CONSTRUCTION PROFESSIONAL'S WRITTEN OFFER OF
23 SETTLEMENT IS UNREASONABLE, AND A CLAIMANT'S REJECTION OF THE
24 OFFER IS REASONABLE, IF THE CLAIMANT RECOVERS A FINAL JUDGMENT IN
25 AN AMOUNT THAT EXCEEDS THE AMOUNT OFFERED OR THE REASONABLE
26 VALUE OF THE REPAIR OFFERED BY THE CONSTRUCTION PROFESSIONAL.".

27 Page 20, line 8, strike "(a)".

28 Page 20, strike lines 11 through 27.

29 Page 21, strike lines 1 through 7.

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