

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

March 17, 2025  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB25-185 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike lines 4 through 7 and substitute:

2           **"13-20-806. Limitation of damages.** (8) (a) THE GENERAL  
3 ASSEMBLY FINDS AND DECLARES THAT THE DECISION OF THE COLORADO  
4 COURT OF APPEALS IN *APPLEBY V. DOSSEY SUDIK STRUCTURAL ENGINEERS*  
5 *LLC*, 23CA0008 (COLO. APP. 2023), DOES NOT REFLECT THE PUBLIC  
6 POLICY OF THE STATE OF COLORADO AS IT CONCERNS THE INDEPENDENT  
7 TORT DUTIES OWED BY CONSTRUCTION PROFESSIONALS TO ORIGINAL  
8 RESIDENTIAL PURCHASERS FOR PURPOSES OF DETERMINING APPLICATION  
9 OF THE JUDICIALLY CREATED "ECONOMIC LOSS RULE". IT IS THEREFORE  
10 NECESSARY FOR THE GENERAL ASSEMBLY TO CLARIFY AND CONFIRM THE  
11 POLICY OF COLORADO TO GUIDE PENDING AND FUTURE LEGAL ACTIONS  
12 INTERPRETING THE APPLICATION OF THE ECONOMIC LOSS RULE.

13           (b) FOR PURPOSES OF THE APPLICATION OF THE ECONOMIC LOSS  
14 RULE, THE INDEPENDENT DUTIES OWED BY A CONSTRUCTION  
15 PROFESSIONAL TO AN ORIGINAL RESIDENTIAL PURCHASER ARE IDENTICAL  
16 TO THE INDEPENDENT DUTIES OWED BY A CONSTRUCTION PROFESSIONAL  
17 TO A SUBSEQUENT RESIDENTIAL PURCHASER, AS THOSE DUTIES ARE  
18 DEFINED UNDER COLORADO JUDICIALLY CREATED LAW."

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