

HB1272_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB25-1272 be amended as follows:

1 Amend proposed committee amendment (HB1272_L.001), page 4, strike
2 lines 33 through 40 and substitute:

3 "(8) (a) FOR HOUSING IN WHICH THE BUILDER IS A PARTICIPANT IN
4 THE PROGRAM, A CONSTRUCTION PROFESSIONAL WHO MAKES A
5 REASONABLE OFFER PURSUANT TO SECTION 13-20-803.5 MAY BE IMMUNE,
6 IN WHOLE OR IN PART, FROM AN OBLIGATION, DAMAGE, LOSS, OR LIABILITY
7 UNDER THIS PART 8 RELATED TO OR ARISING OUT OF THE CONSTRUCTION
8 DEFECT, BUT ONLY WITH RESPECT TO THE PORTION OF THE CLAIMANT'S
9 DAMAGES, IF ANY, THE CONSTRUCTION PROFESSIONAL CAN DEMONSTRATE
10 BY A PREPONDERANCE OF THE EVIDENCE WERE PROXIMATELY CAUSED OR
11 INCREASED BY AN AFFIRMATIVE DEFENSE SPECIFIED IN SUBSECTIONS (8)(b)
12 AND (8)(c) OF THIS SECTION AND NOT BY THE CONSTRUCTION DEFECT."

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