

SB185 L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB25-185 be amended as follows:

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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