

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government & Housing.

SB24-106 be amended as follows:

1 Amend printed bill, page 9, strike lines 11 through 26 and substitute:

2 "SECTION 5. In Colorado Revised Statutes, 13-20-804, **amend**
3 (1) introductory portion, (1)(a), (1)(c), and (1)(d); and **add** (1)(e) and (3)
4 as follows:

5 **13-20-804. Restriction on construction defect negligence**
6 **claims.** (1) ~~No negligence claim seeking damages for a construction~~
7 ~~defect may be asserted in an~~ A CLAIMANT SHALL NOT ASSERT A
8 NEGLIGENCE CLAIM IN A CONSTRUCTION DEFECT action if ~~such~~ THE claim
9 arises from the failure to construct an improvement to real property in
10 substantial compliance with an applicable building code,
11 MANUFACTURER'S INSTRUCTIONS, or AN industry standard; except that
12 ~~such~~ THE claim may be asserted if ~~such~~ THE failure results in one or more
13 of the following:

14 (a) Actual damage to real or personal property CAUSED BY A
15 VIOLATION OF A BUILDING CODE, MANUFACTURER'S INSTRUCTIONS, OR AN
16 INDUSTRY STANDARD;

17 (c) Bodily injury or wrongful death; ~~or~~

18 (d) ~~A~~ AN IMMINENT AND UNREASONABLE risk of bodily injury or
19 death to, or ~~a~~ AN IMMINENT AND UNREASONABLE threat OF PROPERTY
20 DAMAGE OR to the life, health, or safety of, the occupants of the
21 residential real property; OR

22 (e) THE LOSS OF A PRODUCT WARRANTY OR AN UNREASONABLE
23 REDUCTION IN THE ANTICIPATED USEFUL LIFE OF A CONSTRUCTION
24 COMPONENT CAUSED BY A VIOLATION OF A BUILDING CODE,
25 MANUFACTURER'S INSTRUCTIONS, OR AN INDUSTRY STANDARD.

26 (3) AS USED IN THIS SECTION:

27 (a) "BUILDING CODE" MEANS A CODE ADOPTED UNDER ARTICLE
28 115 OR ARTICLE 155 OF TITLE 12, PART 2 OF ARTICLE 28 OF TITLE 30, OR
29 PART 6 OF ARTICLE 15 OF TITLE 31;

30 (b) "IMMINENT AND UNREASONABLE", WITH RESPECT TO A RISK OR
31 THREAT, MEANS A SUBSTANTIAL RISK OF INJURY OR DAMAGE OCCURRING
32 DURING OR AS A RESULT OF AN EVENT OR EVENTS THAT THE IMPROVEMENT
33 WAS DESIGNED TO PROTECT AGAINST."

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