

HB1272_L.046

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government & Housing.

HB25-1272 be amended as follows:

- 1 Amend reengrossed bill, page 11, strike lines 6 through 14.
- 2 Page 11, line 15, strike "(b)" and substitute "(7) (a)".
- 3 Page 12, line 3, strike "(c)" and substitute "(b)".
- 4 Page 12, line 4, strike "(7)(b)" and substitute "(7)(a)".
- 5 Page 12, line 5, after "ALL" insert "REASONABLE".
- 6 Page 12, line 6, after "DAMAGES." insert "THE STATUTE OF LIMITATIONS
7 AND REPOSE SHALL BE TOLLED FROM THE DATE THE CLAIMANT FIRST
8 PURSUED A REMEDY AVAILABLE UNDER THE WARRANTY FOR NO MORE
9 THAN ONE YEAR OR UNTIL THE COMPLETION OF THE WARRANTY PROCESS,
10 WHICHEVER IS LONGER."
- 11 Page 12, line 7, strike "(d)" and substitute "(c)".
- 12 Page 12, strike lines 19 and 20 and substitute:
13 "(b) A CONSTRUCTION PROFESSIONAL IS NOT LIABLE".
- 14 Page 14, after line 10 insert:
15 "(d) THE AFFIRMATIVE DEFENSES SET FORTH IN THIS SUBSECTION
16 (8) ARE IN ADDITION TO, AND SHALL NOT LIMIT, IMPAIR, REPLACE, OR
17 OTHERWISE AFFECT, ANY OTHER DEFENSE AVAILABLE TO A CONSTRUCTION
18 PROFESSIONAL UNDER STATUTE OR COMMON LAW."
- 19 Page 15, after line 9 insert:
20 "(c) THE CONSTRUCTION PROFESSIONAL SHALL PROVIDE AN OFFER
21 PURSUANT TO SUBSECTION (9)(a)(I) OF THIS SECTION WITHIN NINETY DAYS
22 AFTER THE DEADLINE TO INSPECT THE PROPERTY AND CLAIMED DEFECT
23 PURSUANT TO SECTION 13-20-803.5 OR A WRITTEN RESPONSE PURSUANT
24 TO SUBSECTION (9)(a)(II) OR (9)(a)(III) OF THIS SECTION WITHIN THIRTY
25 DAYS AFTER THE DEADLINE TO INSPECT THE PROPERTY AND CLAIMED
26 DEFECT PURSUANT TO SECTION 13-20-803.5."

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