

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0598.01 Chelsea Princell x4335

SENATE BILL 25-185

SENATE SPONSORSHIP

Rodriguez and Pelton B.,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE INAPPLICABILITY OF THE ECONOMIC LOSS RULE TO**
102 **CERTAIN CLAIMS BROUGHT BY A RESIDENTIAL PROPERTY**
103 **OWNER AGAINST A CONSTRUCTION PROFESSIONAL.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill clarifies that construction professionals owe an independent tort duty of care to construct residential homes in a non-defective and reasonable manner, and that this duty is owed equally to original and subsequent residential home purchasers.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 13-20-806, **add** (8)
3 as follows:

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

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

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2026 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.