

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

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 25-0598.01 Chelsea Princell x4335

**SENATE BILL 25-185**

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**SENATE SPONSORSHIP**

**Rodriguez and Pelton B.,**

**HOUSE SPONSORSHIP**

**Bacon and Soper,**

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**Senate Committees**  
Judiciary

**House Committees**  
Judiciary

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**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.**

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**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.*

HOUSE  
2nd Reading Unamended  
April 30, 2025

SENATE  
3rd Reading Unamended  
March 21, 2025

SENATE  
Amended 2nd Reading  
March 20, 2025

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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.