

## **Colorado's legislature is back in action. What does this mean for Colorado's construction professionals?**

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Wednesday, January 11<sup>th</sup>, was the first day of the 2012 legislative session of the Colorado General Assembly, which promises to be an exciting year. From what we have heard around town (and from the mouth of a plaintiffs' construction defect attorney at an out-of-state seminar) there is likely to be a construction defects bill at the Capitol this year. This attempt will likely take the form of a bill providing for the payment of attorneys' fees to homeowners and homeowners associations in residential construction defect cases. Whether it happens or not, there are enough people talking about the prospect that it was picked up by The Denver Business Journal.

For the roofers out there, you may want to pay attention to Senate Bill 12-038, "concerning measures to protect consumers who engage a roofing contractor to perform roofing services on residential property," which requires "residential roofing contractors to sign a written contract with customers that details the following:"

- The scope of roofing services and materials to be provided;
- The approximate dates of service;
- The costs of the services;
- The roofing contractor's contact information;
- Identification of the roofing contractor's surety and liability coverage insurer and their contact information, if applicable;
- The roofing contractor's policy regarding cancellation of the contract and refund of any deposit, including a rescission clause allowing the client to rescind the contract and obtain a full refund of any deposit within 72 hours after entering the contract; and
- A written statement that if the client plans to use the proceeds of a property or casualty insurance policy to pay for the roofing work, the roofing contractor cannot pay, waive, rebate, or promise to pay, waive, or rebate all or part of any deductible applicable to the claim for payment for roofing work on the covered residential property.

Finally, despite meetings through the summer and fall, it looks as though the Colorado Association of Home Builders will not again support a bill to require pre-lien notices as a prerequisite to the validity of mechanics' liens.

Stay tuned and hang on; it could be a wild ride. If you would like to discuss the prospects of the upcoming session, please call me at (303) 987-9813 or e-mail me at [mclain@hhmlaw.com](mailto:mclain@hhmlaw.com).