

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

PREAMENDED

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

LLS NO. 17-1000.02 Debbie Haskins x2313

HOUSE BILL 17-1254

HOUSE SPONSORSHIP

Becker K. and Salazar,

SENATE SPONSORSHIP

Kagan,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF THE CAP ON NONECONOMIC**
102 **DAMAGES FOR THE WRONGFUL DEATH OF A MINOR CHILD.**

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 eliminates the cap on noneconomic damages for the wrongful death of a minor child. The bill clarifies that, for purposes of the wrongful death statutes, "minor child" is defined using the general statutory definition of "minor", which is "any person who has not attained the age of twenty-one years".

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-21-203, **add** (8)
3 as follows:

4 **13-21-203. Limitation on damages - definition.**

5 (8) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION OR OF SECTION
6 **13-21-102.5**, THERE IS NO LIMITATION ON THE DAMAGES FOR
7 NONECONOMIC LOSS OR INJURY RECOVERABLE IN AN ACTION FOR THE
8 WRONGFUL DEATH OF A MINOR CHILD. FOR PURPOSES OF THIS PART 2,
9 "MINOR CHILD" HAS THE SAME MEANING AS "MINOR" AS DEFINED IN
10 SECTION 2-4-401 (6).

11 **SECTION 2. Act subject to petition - effective date -**

12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
13 the expiration of the ninety-day period after final adjournment of the
14 general assembly (August 9, 2017, if adjournment sine die is on May 10,
15 2017); except that, if a referendum petition is filed pursuant to section 1
16 (3) of article V of the state constitution against this act or an item, section,
17 or part of this act within such period, then the act, item, section, or part
18 will not take effect unless approved by the people at the general election
19 to be held in November 2018 and, in such case, will take effect on the
20 date of the official declaration of the vote thereon by the governor.

21 (2) This act applies to acts or omissions arising on or after the
22 applicable effective date of this act.