

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0727.01 Jane Ritter x4342

SENATE BILL 18-090

SENATE SPONSORSHIP

Zenzinger, Martinez Humenik, Moreno, Tate

HOUSE SPONSORSHIP

Hooton, Arndt, Thurlow, McKean

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING MODERNIZATION OF LANGUAGE IN STATUTORY SECTIONS

102 CONCERNING "RIGHTS OF MARRIED WOMEN".

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/>.)

Statutory Revision Committee. The bill modernizes the language in statutory sections concerning the "rights of married women" to be inclusive of married men and women.

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

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

1 **SECTION 1. Legislative declaration.** The general assembly
2 declares that the purpose of Senate Bill 18-___, enacted in 2018, is to
3 effect a nonsubstantive change in statute to modernize the use of the
4 terms "married woman", "wife", and similar terms, where appropriate, in
5 statutory sections found in part 2 of article 2 of title 14, Colorado Revised
6 Statutes, formally titled "Rights of Married Women". The intent is to
7 clarify that the rights set forth in these particular statutory sections apply
8 to all married persons, not just married women.

9 **SECTION 2.** In Colorado Revised Statutes, **amend** part 2 of
10 article 2 of title 14 as follows:

11 PART 2

12 RIGHTS OF MARRIED ~~WOMEN~~ *PERSONS*

13 **14-2-201. Property ownership.** The property, real and personal,
14 ~~which any woman~~ THAT A PERSON in this state owns at the time of HIS OR
15 her marriage, and the rents, issues, profits, and proceeds thereof, and any
16 real, personal, or mixed property ~~which~~ THAT comes to HIM OR her by
17 descent, devise, or bequest, or the gift of any person except HIS OR her
18 husband OR WIFE, including presents or gifts from HIS OR her husband OR
19 WIFE, such as jewelry, silver, tableware, watches, money, and ~~wearing~~
20 apparel, ~~shall remain~~ REMAINS HIS OR her sole and separate property,
21 notwithstanding HIS OR her marriage, and ~~shall not be~~ IS NOT subject to
22 the disposal of HIS OR her husband OR WIFE or liable for his OR HER debts.

23 **14-2-202. Married person may sue and be sued.** ~~Any woman~~ A
24 PERSON, while married, may sue and be sued, in all matters having
25 relation to HIS OR her property, person, or reputation, in the same manner
26 as if HE OR she were ~~sole~~ UNMARRIED.

27 **14-2-203. Rights in separate business.** ~~Any A married woman~~

1 PERSON may carry on any trade or business and perform any labor or
2 services on HIS OR her sole and separate account, and the earnings of ~~any~~
3 A married ~~woman~~ PERSON from HIS OR her trade, business, labor, or
4 services ~~shall be~~ IS HIS OR her sole and separate property and may be used
5 and invested by HIM OR her in HIS OR her own name. ~~Her~~ Property
6 acquired by trade, business, and services BY THE MARRIED PERSON and the
7 proceeds ~~thereof~~ may be taken on any execution against ~~her~~ THE PERSON.

8 **14-2-204. Not to affect marriage settlements.** Nothing in
9 sections 14-2-201 to 14-2-206 ~~shall invalidate~~ INVALIDATES any marriage
10 settlement or contract.

11 **14-2-205. Married person's land subject to judgment.** When
12 ~~any woman~~ A PERSON against whom liability exists marries and has or
13 acquires lands, judgment on such liability may be rendered against HIM OR
14 her and HIS OR her husband OR WIFE jointly, to be levied on such lands
15 only.

16 **14-2-206. Spouse cannot convey other spouse's lands.** The
17 separate deed of ~~the husband shall convey~~ A SPOUSE CONVEYS no interest
18 in the ~~wife's~~ OTHER SPOUSE'S lands.

19 **14-2-207. Spouse may convey lands as if unmarried.** ~~Any~~
20 ~~woman~~ A PERSON, while married, may bargain, sell, and convey HIS OR
21 her real and personal property and enter into any contract in reference to
22 the same as if HE OR she were ~~sole~~ UNMARRIED.

23 **14-2-208. Married person may contract.** ~~Any woman~~ A PERSON,
24 while married, may contract debts in HIS OR her own name and upon HIS
25 OR her own credit, and may execute promissory notes, bonds, bills of
26 exchange, and other instruments in writing, and may enter into any
27 contract the same as if HE OR she were ~~sole, and,~~ UNMARRIED. In all cases

1 where any suit or other legal proceedings are instituted against ~~her~~ THE
2 MARRIED PERSON and any judgment, decree, or order ~~therein~~ is rendered
3 or pronounced against ~~her~~ THE MARRIED PERSON, the same may be
4 enforced by execution or other process against ~~her~~ ~~the same~~ as if ~~she~~ were
5 ~~sole~~ THE MARRIED PERSON AS IF HE OR SHE WERE UNMARRIED.

6 **14-2-209. Loss of consortium.** In all actions for a tort by a
7 married ~~woman, she shall have the same right~~ PERSON, BOTH SPOUSES
8 HAVE AN EQUAL RIGHT to recover for loss of consortium of ~~her husband~~
9 ~~as is afforded husbands in like actions~~ HIS OR HER SPOUSE.

10 **14-2-210. Domicile.** The right of ~~any~~ A person to become a
11 resident domiciled in the state of Colorado ~~shall~~ MUST not be denied or
12 abridged because of sex or marital status, and the common law rule that
13 the domicile of a married ~~woman~~ PERSON is that of ~~her husband~~ ~~shall~~ HIS
14 OR HER SPOUSE IS no longer ~~be~~ in effect in this state.

15 **SECTION 3. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2018 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.