

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-1072.01 Jennifer Berman x3286

HOUSE BILL 19-1303

HOUSE SPONSORSHIP

Will and Valdez D.,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A GRANT OF IMMUNITY FROM LIABILITY FOR A
102 LANDOWNER RELATED TO THE LANDOWNER'S FAILURE TO WARN
103 AGAINST A KNOWN DANGEROUS CONDITION ON THE
104 LANDOWNER'S LAND WHEN THE LANDOWNER HAS GRANTED A
105 PERSON ACCESS TO USE THE LAND FOR RECREATIONAL
106 PURPOSES WITHOUT CHARGING THE PERSON.

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>.)

Under current law, a landowner that grants access to another

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.

person, without charge, to use the landowner's land for recreational purposes, such as hunting, fishing, or camping, is not liable for any injuries the person sustains while using the land; except that a landowner is liable to the person for the landowner's willful and malicious failure to guard or warn against a known dangerous condition, use, structure, or activity on the land likely to cause harm. The bill removes the exception.

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

2 **SECTION 1.** In Colorado Revised Statutes, 33-41-104, **amend**
3 (1) introductory portion; and **repeal** (1)(a) as follows:

4 **33-41-104. When liability is not limited.** (1) Nothing in this
5 ~~article~~ ARTICLE 41 limits in any way any liability ~~which~~ THAT would
6 otherwise exist:

7 (a) ~~For willful or malicious failure to guard or warn against a~~
8 ~~known dangerous condition, use, structure, or activity likely to cause~~
9 ~~harm;~~

10 **SECTION 2.** In Colorado Revised Statutes, 33-41-105, **amend**
11 (1) introductory portion and (1)(a) as follows:

12 **33-41-105. Article not to create liability or relieve obligation.**
13 (1) Nothing in this ~~article~~ ARTICLE 41 shall be construed to:

14 (a) Create, enlarge, or affect in any manner any liability ~~for willful~~
15 ~~or malicious failure to guard or warn against a known dangerous~~
16 ~~condition, use, structure, or activity likely to cause harm, or for injury~~
17 ~~suffered by any person in any case where the owner of land charges for~~
18 ~~that person to enter or go on the land for the recreational use thereof~~ OF
19 THE LAND;

20 **SECTION 3. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August

1 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2020 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.