



Legislative Council Staff

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FISCAL NOTE

Drafting Number: LLS 19-1072
Prime Sponsors: Rep. Will; Valdez D.

Date: April 10, 2019
Bill Status: House Judiciary
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Bill Topic: NO LIABILITY IF LANDOWNER GRANTS FREE ACCESS LAND

- Summary of Fiscal Impact: State Revenue (minimal), State Expenditure (minimal), State Transfer, TABOR Refund, Local Government, Statutory Public Entity

For landowners that allow recreational use of their property without charge, the bill grants immunity from liability for willful or malicious failure to warn against a known dangerous condition.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

Under current law, a landowner is not liable for any injuries suffered by a person that was granted permission to use their land for recreational purposes without charge; except that a landowner is liable for willful or malicious failure to warn against a known dangerous condition. The bill removes the exception.

Assumptions

The fiscal note assumes that immunity from liability for willful or malicious failure to warn against known dangers will increase landowners' willingness to allow recreational use of their land, and that this will consequently increase hunting and fishing licence sales by a minimal amount.

State Revenue

The bill will affect revenue for multiple state agencies.

Department of Natural Resources. Beginning in FY 2019-20, the bill will increase cash fund revenue by a minimal amount to the Department of Natural Resources from increased sales of hunting and fishing licenses. Because Colorado Parks and Wildlife is an enterprise, this revenue is not subject to TABOR.

Judicial Department. Beginning in FY 2019-20, this bill may decrease civil filing fee cash fund revenue by a minimal amount. Revenue will decrease if there is a decrease in the number of civil cases claiming a landowner's failure to warn against known dangerous conditions was done in a willful or malicious manner. Civil filing fee revenue is subject to TABOR; however, under the March 2019 Legislative Council Staff forecast, a TABOR surplus is not expected in FY 2019-20 or FY 2020-21.

State Expenditures

Similar to above, if there is a decrease in the number of cases filed for malicious failure to warn, it will decrease workload in the trial courts by a minimal amount.

Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Natural Resources

Judicial