

CHAPTER 184

COURTS

SENATE BILL 98-073

BY SENATORS Matsunaka, Hopper, Pascoe, Reeves, Rupert, and Weddig;
also REPRESENTATIVES McElhany and Sullivant.

AN ACT

CONCERNING PROPERTY RENTAL ISSUES.

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

SECTION 1. 13-40-122, Colorado Revised Statutes, is amended to read:

13-40-122. Writ of restitution after judgment. (1) No writ of restitution shall issue upon any judgment entered in any action under the provisions of this article out of any court until after the expiration of forty-eight hours from the time of the entry of such judgment; and such writs shall be executed by the officer having the same only in the daytime and between sunrise and sunset.

(2) THE OFFICER THAT EXECUTES A WRIT OF RESTITUTION UNDER SUBSECTION (1) OF THIS SECTION AND THE LAW ENFORCEMENT AGENCY THAT EMPLOYS SUCH OFFICER SHALL BE IMMUNE FROM CIVIL LIABILITY FOR ANY DAMAGE TO A TENANT'S PERSONAL PROPERTY THAT WAS REMOVED FROM THE PREMISES DURING THE EXECUTION OF THE WRIT. A LANDLORD WHO COMPLIES WITH THE LAWFUL DIRECTIONS OF THE OFFICER EXECUTING A WRIT OF RESTITUTION SHALL BE IMMUNE FROM CIVIL AND CRIMINAL LIABILITY FOR ANY ACT OR OMISSION RELATED TO A TENANT'S PERSONAL PROPERTY THAT WAS REMOVED FROM THE PREMISES DURING OR AFTER THE EXECUTION OF A WRIT OF RESTITUTION.

(3) A LANDLORD HAS NO DUTY TO STORE OR MAINTAIN A TENANT'S PERSONAL PROPERTY THAT IS REMOVED FROM THE PREMISES DURING OR AFTER THE EXECUTION OF A WRIT OF RESTITUTION. REGARDLESS OF WHETHER A LANDLORD ELECTS TO STORE OR MAINTAIN THE PERSONAL PROPERTY SO REMOVED, THE LANDLORD SHALL HAVE NO DUTY TO INVENTORY THE PERSONAL PROPERTY OR TO DETERMINE OWNERSHIP OF OR THE CONDITION OF THE PERSONAL PROPERTY. SUCH STORAGE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SHALL NOT CREATE EITHER AN IMPLIED OR EXPRESS BAILMENT OF THE PERSONAL PROPERTY, AND THE LANDLORD SHALL BE IMMUNE FROM LIABILITY FOR ANY LOSS OR DAMAGE TO THE PERSONAL PROPERTY.

(4) A LANDLORD WHO ELECTS TO STORE A TENANT'S PERSONAL PROPERTY THAT WAS REMOVED FROM THE PREMISES DURING OR AFTER THE EXECUTION OF A WRIT OF RESTITUTION MAY CHARGE THE TENANT THE REASONABLE COSTS OF STORING THE PERSONAL PROPERTY. TO RECOVER SUCH COSTS, THE LANDLORD MAY EITHER DISPOSE OF THE PERSONAL PROPERTY UNDER ANY LIEN RIGHTS THE LANDLORD HAS UNDER PART 1 OF ARTICLE 20 OF TITLE 38, C.R.S., OR THE LANDLORD MAY ALLOW THE TENANT TO RECOVER THE PERSONAL PROPERTY AFTER PAYING THE REASONABLE STORAGE CHARGES INCURRED BY THE LANDLORD.

SECTION 2. 8-4-127 (3), Colorado Revised Statutes, is amended to read:

8-4-127. Termination of occupancy to a contract of employment - legislative declaration. (3) If an employee fails to vacate the premises within three days after the receipt of the notice of termination of the license to occupy the premises, the employer may contact ~~a local law enforcement agency~~ THE COUNTY SHERIFF to have the employee removed from the premises. The ~~local law enforcement officer~~ COUNTY SHERIFF shall remove the employee and any personal property of the employee from the premises upon the showing to the ~~local law enforcement officer~~ COUNTY SHERIFF of the notice of termination of the license to occupy the premises and agreement pursuant to which the license to occupy the premises was granted.

SECTION 3. This act shall take effect at 12:01 a.m on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 4, 1998