

HB26-1236

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Carson

1 Amend reengrossed bill, page 5, after line 12 insert:

2 "SECTION 7. In Colorado Revised Statutes, **add** 24-31-120 as
3 follows:

4 **24-31-120. Arbitration reform litigation impact review.**

5 (1) ON OR AFTER JULY 1, 2028, THE DEPARTMENT OF LAW SHALL
6 PERFORM AN ARBITRATION REFORM LITIGATION IMPACT REVIEW TO
7 REVIEW THE FOLLOWING STATEWIDE DATA REGARDING THE PASSAGE OF
8 HOUSE BILL 26-1236 IN ORDER TO ASSESS ITS IMPACT ON ARBITRATION:

9 (a) THE NUMBER OF CASES LITIGATED IN THE TWO YEARS
10 SUBSEQUENT TO THE PASSAGE OF HOUSE BILL 26-1236 THAT WOULD HAVE
11 BEEN ARBITRATED BUT FOR THE PASSAGE OF HOUSE BILL 26-1236,
12 COMPARED TO THE NUMBER OF CASES LITIGATED IN THE TWO YEARS PRIOR
13 TO THE PASSAGE OF HOUSE BILL 26-1236 THAT WOULD HAVE BEEN
14 ARBITRATED BUT FOR THE PASSAGE OF HOUSE BILL 26-1236;

15 (b) THE TOTAL AMOUNT OF PLAINTIFF AWARDS RESULTING FROM
16 LITIGATION IN THE TWO YEARS SUBSEQUENT TO THE PASSAGE OF HOUSE
17 BILL 26-1236 THAT WOULD HAVE BEEN ARBITRATED BUT FOR THE
18 PASSAGE OF HOUSE BILL 26-1236, COMPARED TO THE TOTAL AMOUNT OF
19 PLAINTIFF AWARDS RESULTING FROM LITIGATION IN THE TWO YEARS PRIOR
20 TO THE PASSAGE OF HOUSE BILL 26-1236 THAT WOULD HAVE BEEN
21 ARBITRATED BUT FOR THE PASSAGE OF HOUSE BILL 26-1236;

22 (c) THE TOTAL AMOUNT OF ARBITRATION AWARD ENFORCEMENT
23 ACTIONS RESULTING FROM LITIGATION IN THE TWO YEARS SUBSEQUENT TO
24 THE PASSAGE OF HOUSE BILL 26-1236 THAT WOULD HAVE BEEN
25 ARBITRATED BUT FOR THE PASSAGE OF HOUSE BILL 26-1236, COMPARED
26 TO THE TOTAL AMOUNT OF TOTAL AMOUNT OF ARBITRATION AWARD
27 ENFORCEMENT ACTIONS RESULTING FROM LITIGATION IN THE TWO YEARS
28 PRIOR TO THE PASSAGE OF HOUSE BILL 26-1236 THAT WOULD HAVE BEEN
29 ARBITRATED BUT FOR THE PASSAGE OF HOUSE BILL 26-1236;

30 (d) THE TOTAL AMOUNT OF COURT ADMINISTRATIVE COSTS
31 RESULTING FROM LITIGATION IN THE TWO YEARS SUBSEQUENT TO THE
32 PASSAGE OF HOUSE BILL 26-1236 THAT WOULD HAVE BEEN ARBITRATED
33 BUT FOR THE PASSAGE OF HOUSE BILL 26-1236, COMPARED TO THE TOTAL
34 AMOUNT OF TOTAL AMOUNT OF COURT ADMINISTRATIVE COSTS RESULTING
35 FROM LITIGATION IN THE TWO YEARS PRIOR TO THE PASSAGE OF HOUSE
36 BILL 26-1236 THAT WOULD HAVE BEEN ARBITRATED BUT FOR THE
37 PASSAGE OF HOUSE BILL 26-1236; AND

38 (e) THE TOTAL AMOUNT OF ATTORNEYS-EXPENSES RESULTING
39 FROM LITIGATION IN THE TWO YEARS SUBSEQUENT TO THE PASSAGE OF
40 HOUSE BILL 26-1236 THAT WOULD HAVE BEEN ARBITRATED BUT FOR THE

1 PASSAGE OF HOUSE BILL 26-1236, COMPARED TO THE TOTAL AMOUNT OF
2 ATTORNEYS-EXPENSES RESULTING FROM LITIGATION IN THE TWO YEARS
3 PRIOR TO THE PASSAGE OF HOUSE BILL 26-1236 THAT WOULD HAVE BEEN
4 ARBITRATED BUT FOR THE PASSAGE OF HOUSE BILL 26-1236.

5 (2) ON OR BEFORE JANUARY 31, 2029, THE DEPARTMENT OF LAW
6 SHALL PUBLISH A REPORT CONCERNING THE REVIEW DESCRIBED IN
7 SUBSECTION (1) OF THIS SECTION AND SHALL SUBMIT THE REPORT TO THE
8 JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF
9 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES."

10 Renumber succeeding sections accordingly.

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