

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB20-1405 be amended as follows:

1 Amend printed bill, page 3, after line 2 insert:

2 "SECTION 3. In Colorado Revised Statutes, **amend** 13-40-123  
3 as follows:

4 **13-40-123. Damages.** (1) The prevailing party in any action  
5 brought under the provisions of this ~~article~~ ARTICLE 40 is entitled to  
6 recover damages, reasonable attorney fees, and costs of suit; except that  
7 a residential landlord or tenant who is a prevailing party shall not be  
8 entitled to recover reasonable attorney fees unless the residential rental  
9 agreement between the parties contains a provision for either party to  
10 obtain attorney fees. Nothing in this section shall be construed to permit  
11 the entry of judgments in any single proceeding in excess of the  
12 jurisdictional limit of said court.

13 (2) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 40 TO THE  
14 CONTRARY, A COURT SHALL NOT INCLUDE THE FEE COLLECTED PURSUANT  
15 TO SECTION 13-32-101 (3)(d) IN ANY JUDGMENT FOR COSTS. A LANDLORD  
16 IS NOT ENTITLED TO OTHERWISE RECOVER THE FEE AND ANY AGREEMENT  
17 THAT ALLOWS FOR A LANDLORD TO RECOVER THE FEE IS CONTRARY TO  
18 PUBLIC POLICY AND IS UNENFORCEABLE AND VOID."

19 Renumber succeeding sections accordingly.

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