

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0616.01 Conrad Imel x2313

SENATE BILL 18-056

SENATE SPONSORSHIP

Jahn,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING MONETARY AMOUNTS IN CIVIL ACTIONS.

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 person may file a civil action in county court if the value of the claim is \$15,000 or less. The bill increases that limit to \$35,000 or less and increases certain civil action filing fees for district courts and county courts. The bill is effective January 1, 2019.

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

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.

1 **SECTION 1.** In Colorado Revised Statutes, 13-6-104, **amend** (1)
2 and (2) as follows:

3 **13-6-104. Original civil jurisdiction.** (1) On and after January
4 1, 1991, the county court shall have concurrent original jurisdiction with
5 the district court in civil actions, suits, and proceedings in which the debt,
6 damage, or value of the personal property claimed does not exceed ~~fifteen~~
7 THIRTY-FIVE thousand dollars, including by way of further example, and
8 not limitation, jurisdiction to hear and determine actions in tort and assess
9 damages therein not to exceed ~~fifteen~~ THIRTY-FIVE thousand dollars. The
10 county court shall also have jurisdiction of counterclaims in all such
11 actions when the counterclaim does not exceed ~~fifteen~~ THIRTY-FIVE
12 thousand dollars.

13 (2) The county court shall have concurrent original jurisdiction
14 with the district court in actions to foreclose liens pursuant to article 20
15 of title 38 ~~C.R.S.~~, and in cases of forcible entry, forcible detainer, or
16 unlawful detainer, except when such cases involve the boundary or title
17 to real property and except as provided in section 13-40-109. Judgment
18 in the county court for rent, damages on account of unlawful detention,
19 damages for injury to property, and damages incurred under article 20 of
20 title 38 ~~C.R.S.~~, ~~under~~ PURSUANT TO this subsection (2) shall not exceed
21 a total of ~~fifteen~~ THIRTY-FIVE thousand dollars, exclusive of costs and
22 attorney fees, nor shall the county court on and after ~~January 1, 1991~~
23 JANUARY 1, 2019, have jurisdiction if the monthly rental value of the
24 property exceeds ~~fifteen~~ THIRTY-FIVE thousand dollars.

25 **SECTION 2.** In Colorado Revised Statutes, **amend** 13-40-109 as
26 follows:

27 **13-40-109. Jurisdiction of courts.** The district courts in their

1 respective districts and county courts in their respective counties have
2 jurisdiction of all cases of forcible entry, forcible detainer, or unlawful
3 detainer arising ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 40, and the
4 person entitled to the possession of any premises may recover possession
5 thereof by action brought in any of said courts in the manner provided in
6 this ~~article~~ ARTICLE 40. On and after ~~January 1, 1991~~ JANUARY 1, 2019,
7 in all actions brought before county courts ~~under~~ PURSUANT TO section
8 13-40-104 (1)(f) to (1)(i), where the allegations of the complaint are put
9 in issue by a verified answer and in actions in which the verified answer
10 alleges a monthly rental value of the property in excess of ~~fifteen~~
11 THIRTY-FIVE thousand dollars, the county court, upon the filing of said
12 answer, shall suspend all proceedings therein and certify said cause and
13 transmit the papers therein to the district court of the same county. Causes
14 so certified by the county court shall be proceeded within the courts to
15 which they have been so certified in all respects as if originally begun in
16 the court to which they have been certified. On and after ~~January 1, 1991~~
17 JANUARY 1, 2019, the jurisdiction of the county court to enter judgment
18 for rent, or damages, or both and to render judgment on a counterclaim
19 in forcible entry and detainer shall be limited to a total of ~~fifteen~~
20 THIRTY-FIVE thousand dollars in favor of either party, exclusive of costs
21 and attorney fees.

22 **SECTION 3.** In Colorado Revised Statutes, 13-32-101, **amend**
23 (1)(c)(III) introductory portion, (1)(c)(III)(A), (1)(c)(III)(B), and (1)(d)
24 as follows:

25 **13-32-101. Docket fees in civil actions - judicial stabilization**
26 **cash fund - support registry fund created.** (1) At the time of first
27 appearance in all civil actions and special proceedings in all courts of

1 record, except in the supreme court and the court of appeals, and except
2 in the probate proceedings in the district court or probate court of the city
3 and county of Denver, and except as provided in subsection (3) of this
4 section and in sections 13-32-103 and 13-32-104, there shall be paid in
5 advance the total docket fees, as follows:

6 (c) (III) Except as provided in ~~subparagraph (IV) of this paragraph~~
7 ~~(c) SUBSECTION (1)(c)(IV) OF THIS SECTION:~~

8 (A) On and after ~~July 1, 2010~~ JANUARY 1, 2019, by each plaintiff,
9 petitioner, third-party plaintiff, and party filing a cross claim or
10 counterclaim, when a money judgment sought is ~~fifteen~~ THIRTY-FIVE
11 thousand dollars or less and such action is commenced in a court of
12 record of appropriate limited jurisdiction, a fee in the amount of
13 ~~ninety-seven~~ ONE HUNDRED SEVEN dollars.

14 (B) On and after ~~July 1, 2010~~ JANUARY 1, 2019, by each
15 defendant, respondent, third-party defendant, or other party in such court
16 not filing a cross claim or counterclaim, when a money judgment sought
17 is ~~fifteen~~ THIRTY-FIVE thousand dollars or less and such action is
18 commenced in a court of record of appropriate limited jurisdiction, a fee
19 in the amount of ninety-two dollars.

20 (d) On and after ~~July 1, 2008~~ JANUARY 1, 2019, by each plaintiff,
21 petitioner, third-party plaintiff, and party filing a cross claim or
22 counterclaim filed in a district court of the state, a fee of ~~two hundred~~
23 ~~twenty-four~~ TWO HUNDRED THIRTY dollars;

24 **SECTION 4. Act subject to petition - effective date -**
25 **applicability.** (1) This act takes effect January 1, 2019; except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within the ninety-day period after final adjournment of the general
2 assembly, then the act, item, section, or part will not take effect unless
3 approved by the people at the general election to be held in November
4 2018 and, in such case, will take effect on January 1, 2019, or on the date
5 of the official declaration of the vote thereon by the governor, whichever
6 is later.

7 (2) This act applies to civil actions filed on or after the applicable
8 effective date of this act.