

CHAPTER 298

COURTS

SENATE BILL 18-056

BY SENATOR(S) Jahn, Aguilar, Cooke, Court, Garcia, Gardner, Guzman, Kefalas, Martinez Humenik, Merrifield, Moreno, Priola, Smallwood, Tate;
also REPRESENTATIVE(S) Lee and Willett, Buckner, Exum, Herod, Roberts, Wist.

AN ACT**CONCERNING MONETARY AMOUNTS IN CIVIL ACTIONS.**

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

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

13-6-104. Original civil jurisdiction. (1) On and after ~~January 1, 1991~~ JANUARY 1, 2019, the county court shall have concurrent original jurisdiction with the district court in civil actions, suits, and proceedings in which the debt, damage, or value of the personal property claimed does not exceed ~~fifteen~~ TWENTY-FIVE thousand dollars, including by way of further example, and not limitation, jurisdiction to hear and determine actions in tort and assess damages therein not to exceed ~~fifteen~~ TWENTY-FIVE thousand dollars. The county court shall also have jurisdiction of counterclaims in all such actions when the counterclaim does not exceed ~~fifteen~~ TWENTY-FIVE thousand dollars.

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

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

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

13-40-109. Jurisdiction of courts. The district courts in their respective districts and county courts in their respective counties have jurisdiction of all cases of forcible entry, forcible detainer, or unlawful detainer arising ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 40, and the person entitled to the possession of any premises may recover possession thereof by action brought in any of said courts in the manner provided in this ~~article~~ ARTICLE 40. On and after ~~January 1, 1991~~ JANUARY 1, 2019, in all actions brought before county courts ~~under~~ PURSUANT TO section 13-40-104 (1)(f) to (1)(i), where the allegations of the complaint are put in issue by a verified answer and in actions in which the verified answer alleges a monthly rental value of the property in excess of ~~fifteen~~ TWENTY-FIVE thousand dollars, the county court, upon the filing of said answer, shall suspend all proceedings therein and certify said cause and transmit the papers therein to the district court of the same county. Causes so certified by the county court shall be proceeded within the courts to which they have been so certified in all respects as if originally begun in the court to which they have been certified. On and after ~~January 1, 1991~~ JANUARY 1, 2019, the jurisdiction of the county court to enter judgment for rent, or damages, or both and to render judgment on a counterclaim in forcible entry and detainer shall be limited to a total of ~~fifteen~~ TWENTY-FIVE thousand dollars in favor of either party, exclusive of costs and attorney fees.

SECTION 3. In Colorado Revised Statutes, 13-32-101, **amend** (1)(d), (1)(f), (5)(o) introductory portion, (5)(o)(II), (5)(q) introductory portion, and (5)(q)(II); **repeal** (1)(c)(III) introductory portion, (1)(c)(III)(A), (1)(c)(III)(B), (5)(g), and (5)(h); and **add** (1)(c)(III.5), (5)(g.5), and (5)(h.5) as follows:

13-32-101. Docket fees in civil actions - judicial stabilization cash fund - support registry fund created. (1) At the time of first appearance in all civil actions and special proceedings in all courts of record, except in the supreme court and the court of appeals, and except in the probate proceedings in the district court or probate court of the city and county of Denver, and except as provided in subsection (3) of this section and in sections 13-32-103 and 13-32-104, there shall be paid in advance the total docket fees, as follows:

(c) (III) ~~Except as provided in subparagraph (IV) of this paragraph (c):~~

(A) ~~On and after July 1, 2010, by each plaintiff, petitioner, third-party plaintiff, and party filing a cross claim or counterclaim, when a money judgment sought is fifteen thousand dollars or less and such action is commenced in a court of record of appropriate limited jurisdiction, a fee in the amount of ninety-seven dollars:~~

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

(III.5) EXCEPT AS PROVIDED IN SUBSECTION (1)(c)(IV) OF THIS SECTION:

(A) ON OR AFTER JANUARY 1, 2019, BY EACH PLAINTIFF, PETITIONER, THIRD-PARTY PLAINTIFF, AND PARTY FILING A CROSS CLAIM OR COUNTERCLAIM, WHEN A MONEY JUDGMENT SOUGHT IS LESS THAN ONE THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A COURT OF RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE AMOUNT OF EIGHTY-FIVE DOLLARS.

(B) ON OR AFTER JANUARY 1, 2019, BY EACH DEFENDANT, RESPONDENT, THIRD-PARTY DEFENDANT, OR OTHER PARTY IN SUCH COURT NOT FILING A CROSS CLAIM OR COUNTERCLAIM, WHEN A MONEY JUDGMENT SOUGHT IS LESS THAN ONE THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A COURT OF RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE AMOUNT OF EIGHTY DOLLARS.

(C) ON OR AFTER JANUARY 1, 2019, BY EACH PLAINTIFF, PETITIONER, THIRD-PARTY PLAINTIFF, AND PARTY FILING A CROSS CLAIM OR COUNTERCLAIM, WHEN A MONEY JUDGMENT SOUGHT IS ONE THOUSAND DOLLARS OR MORE BUT LESS THAN FIFTEEN THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A COURT OF RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE AMOUNT OF ONE HUNDRED FIVE DOLLARS.

(D) ON OR AFTER JANUARY 1, 2019, BY EACH DEFENDANT, RESPONDENT, THIRD-PARTY DEFENDANT, OR OTHER PARTY IN SUCH COURT NOT FILING A CROSS CLAIM OR COUNTERCLAIM, WHEN A MONEY JUDGMENT SOUGHT IS ONE THOUSAND DOLLARS OR MORE BUT LESS THAN FIFTEEN THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A COURT OF RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE AMOUNT OF ONE HUNDRED DOLLARS.

(E) ON OR AFTER JANUARY 1, 2019, BY EACH PLAINTIFF, PETITIONER, THIRD-PARTY PLAINTIFF, AND PARTY FILING A CROSS CLAIM OR COUNTERCLAIM, WHEN A MONEY JUDGMENT SOUGHT IS FIFTEEN THOUSAND DOLLARS OR MORE BUT DOES NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A COURT OF RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE AMOUNT OF ONE HUNDRED THIRTY-FIVE DOLLARS.

(F) ON OR AFTER JANUARY 1, 2019, BY EACH DEFENDANT, RESPONDENT, THIRD-PARTY DEFENDANT, OR OTHER PARTY IN SUCH COURT NOT FILING A CROSS CLAIM OR COUNTERCLAIM, WHEN A MONEY JUDGMENT SOUGHT IS FIFTEEN THOUSAND DOLLARS OR MORE BUT DOES NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A COURT OF RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE AMOUNT OF ONE HUNDRED THIRTY DOLLARS.

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

(f) On and after ~~July 1, 2008~~ JANUARY 1, 2019, by an appellee and by each defendant or respondent not filing a cross claim or counterclaim, a fee of one hundred ~~fifty-eight~~ NINETY-TWO dollars;

(5)(g) Each fee collected pursuant to sub-subparagraph (A) of subparagraph (H) of paragraph (c) of subsection (1) of this section shall be transmitted to the state

~~treasurer and fifty-four dollars shall be deposited in the judicial stabilization cash fund created in subsection (6) of this section, five dollars shall be deposited in the court security cash fund established pursuant to section 13-1-204, thirty-seven dollars shall be deposited in the justice center cash fund created in paragraph (a) of subsection (7) of this section, and one dollar shall be deposited in the general fund pursuant to section 2-5-119. C.R.S.~~

(g.5) EACH FEE COLLECTED PURSUANT TO SUBSECTION (1)(c)(III.5)(A), (1)(c)(III.5)(C), OR (1)(c)(III.5)(E) OF THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER AND FIVE DOLLARS SHALL BE DEPOSITED IN THE COURT SECURITY CASH FUND ESTABLISHED PURSUANT TO SECTION 13-1-204, THIRTY-EIGHT DOLLARS SHALL BE DEPOSITED IN THE JUSTICE CENTER CASH FUND CREATED IN SUBSECTION (7)(a) OF THIS SECTION, AND ONE DOLLAR SHALL BE DEPOSITED IN THE GENERAL FUND PURSUANT TO SECTION 2-5-119. THE REMAINING BALANCE SHALL BE DEPOSITED IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SUBSECTION (6) OF THIS SECTION.

~~(h) Each fee collected pursuant to sub-subparagraph (B) of subparagraph (III) of paragraph (c) of subsection (1) of this section shall be transmitted to the state treasurer and fifty dollars shall be deposited in the judicial stabilization cash fund created in subsection (6) of this section, five dollars shall be deposited in the court security cash fund established pursuant to section 13-1-204, and thirty-seven dollars shall be deposited in the justice center cash fund created in paragraph (a) of subsection (7) of this section.~~

(h.5) EACH FEE COLLECTED PURSUANT TO SUBSECTION (1)(c)(III.5)(B), (1)(c)(III.5)(D), OR (1)(c)(III.5)(F) OF THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER AND FIVE DOLLARS SHALL BE DEPOSITED IN THE COURT SECURITY CASH FUND ESTABLISHED PURSUANT TO SECTION 13-1-204, AND THIRTY-EIGHT DOLLARS SHALL BE DEPOSITED IN THE JUSTICE CENTER CASH FUND CREATED IN SUBSECTION (7)(a) OF THIS SECTION. THE REMAINING BALANCE SHALL BE DEPOSITED IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SUBSECTION (6) OF THIS SECTION.

(o) Each fee collected pursuant to ~~paragraph (d) of subsection (1)~~ SUBSECTION (1)(d) of this section shall be transmitted to the state treasurer and divided as follows:

(II) On and after ~~July 1, 2010~~ JANUARY 1, 2019, one hundred ~~fifty~~ SIXTY-ONE dollars shall be deposited in the judicial stabilization cash fund created in subsection (6) of this section, five dollars shall be deposited in the court security cash fund established pursuant to section 13-1-204, ~~thirty-seven~~ sixty-eight dollars shall be deposited in the justice center cash fund created in ~~paragraph (a) of subsection (7)~~ SUBSECTION (7)(a) of this section, and one dollar shall be deposited in the general fund pursuant to section 2-5-119. C.R.S.

(q) Each fee collected pursuant to ~~paragraph (f) of subsection (1)~~ SUBSECTION (1)(f) of this section shall be transmitted to the state treasurer and divided as follows:

(II) On and after ~~July 1, 2010~~, ~~eighty-five~~ JANUARY 1, 2019, ONE HUNDRED

NINETEEN dollars shall be deposited in the judicial stabilization cash fund created in subsection (6) of this section, five dollars shall be deposited in the court security cash fund established pursuant to section 13-1-204, and sixty-eight dollars shall be deposited in the justice center cash fund created in ~~paragraph (a) of subsection (7)~~ SUBSECTION (7)(a) of this section.

SECTION 4. In Colorado Revised Statutes, 13-3-101, **add** (10) as follows:

13-3-101. State court administrator - repeal. (10) (a) THE STATE COURT ADMINISTRATOR SHALL ANALYZE CASE INFORMATION AND DATA, INCLUDING TYPES OF CLAIMS AND ATTORNEY FEE AWARDS, TO DETERMINE APPROPRIATE FACTORS FOR POTENTIALLY FURTHER INCREASING THE JURISDICTION, AND FOR DETERMINING THE AMOUNTS INCLUDED IN JURISDICTIONAL LIMITS, OF COUNTY COURTS IN CIVIL ACTIONS.

(b) THE STATE COURT ADMINISTRATOR SHALL REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, NO LATER THAN NOVEMBER 1, 2018, REGARDING THE RESULTS OF THE STUDY PERFORMED PURSUANT TO SUBSECTION (10)(a) OF THIS SECTION.

(c) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JUNE 30, 2019.

SECTION 5. Act subject to petition - effective date - applicability.

(1) Except as otherwise provided in subsection (2) of this section, this act takes effect January 1, 2019; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on January 1, 2019, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

(2) Section 13-3-101 (10), as added in section 4 of this act, and section 5 of this act take effect August 8, 2018, unless a referendum petition is filed pursuant to subsection (1) of this section.

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

Approved: May 29, 2018