

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 19-0858.01 Jerry Barry x4341

SENATE BILL 19-109

SENATE SPONSORSHIP

Fenberg,

HOUSE SPONSORSHIP

Garnett,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING ADJUSTMENTS TO LIMITATIONS ON DAMAGES TO**
102 **REFLECT THE EFFECTS OF INFLATION.**

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>.)

The limitations on the amount of damages for unlawfully serving alcohol, for noneconomic loss or injury, and for wrongful death were last adjusted for inflation on January 1, 2008. The bill adjusts those damage limitations for inflation on January 1, 2020, and each January 1 every 2 years thereafter.

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.

SENATE
2nd Reading Unamended
February 14, 2019

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-3-801, **amend**
3 (6)(a) and (6)(c) as follows:

4 **44-3-801. Civil liability - legislative declaration - definitions.**

5 (6) (a) The limitations on damages set forth in subsections (3)(c) and
6 (4)(c) of this section ~~shall~~ MUST be adjusted for inflation as of January 1,
7 1998, ~~and~~ January 1, 2008, JANUARY 1, 2020, AND EACH JANUARY 1
8 EVERY TWO YEARS THEREAFTER. The adjustments made on January 1,
9 1998, ~~and~~ January 1, 2008, ~~shall~~ JANUARY 1, 2020, AND EACH JANUARY
10 1 EVERY TWO YEARS THEREAFTER MUST be based on the cumulative
11 annual adjustment for inflation for each year since the effective date of
12 the damages limitations in subsections (3)(c) and (4)(c) of this section.
13 The adjustments made pursuant to this subsection (6)(a) ~~shall~~ MUST be
14 rounded upward or downward to the nearest ten-dollar increment.

15 (c) The secretary of state shall certify the adjusted limitation on
16 damages within fourteen days after the appropriate information is
17 available, and:

18 (I) The adjusted limitation on damages as of January 1, 1998, ~~shall~~
19 ~~be the limitation~~ IS applicable to all claims for relief that accrue on or
20 after January 1, 1998, and before January 1, 2008; ~~and~~

21 (II) The adjusted limitation on damages as of January 1, 2008,
22 ~~shall be the limitation~~ IS applicable to all claims for relief that accrue on
23 and after January 1, 2008, AND BEFORE JANUARY 1, 2020; AND

24 (III) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1,
25 2020, AND EACH JANUARY 1 EVERY TWO YEARS THEREAFTER IS
26 APPLICABLE TO ALL CLAIMS FOR RELIEF THAT ACCRUE ON AND AFTER THE

1 SPECIFIED JANUARY 1 AND BEFORE THE JANUARY 1 TWO YEARS
2 THEREAFTER.

3 **SECTION 2.** In Colorado Revised Statutes, 13-21-102.5, **amend**
4 (3)(c)(I) and (3)(c)(III) as follows:

5 **13-21-102.5. Limitations on damages for noneconomic loss or**
6 **injury.** (3) (c) (I) The limitations on damages set forth in ~~paragraphs (a)~~
7 ~~and (b) of this subsection (3) shall~~ SUBSECTIONS (3)(a) AND (3)(b) OF THIS
8 SECTION MUST be adjusted for inflation as of January 1, 1998, ~~and~~ January
9 1, 2008, JANUARY 1, 2020, AND EACH JANUARY 1 EVERY TWO YEARS
10 THEREAFTER. The adjustments made on January 1, 1998, ~~and~~ January 1,
11 2008, ~~shall~~ JANUARY 1, 2020, AND EACH JANUARY 1 EVERY TWO YEARS
12 THEREAFTER MUST be based on the cumulative annual adjustment for
13 inflation for each year since the effective date of the damages limitations
14 in ~~paragraphs (a) and (b) of this subsection (3)~~ SUBSECTIONS (3)(a) AND
15 (3)(b) OF THIS SECTION. The adjustments made pursuant to this
16 ~~subparagraph (I) shall~~ SUBSECTION (3)(c)(I) MUST be rounded upward or
17 downward to the nearest ten-dollar increment.

18 (III) The secretary of state shall certify the adjusted limitation on
19 damages within fourteen days after the appropriate information is
20 available, and:

21 (A) The adjusted limitation on damages ~~shall be the limitation~~ IS
22 applicable to all claims for relief that accrue on or after January 1, 1998,
23 and before January 1, 2008; ~~and~~

24 (B) The adjusted limitation on damages as of January 1, 2008,
25 ~~shall be the limitation~~ IS applicable to all claims for relief that accrue on
26 and after January 1, 2008, AND BEFORE JANUARY 1, 2020; AND

27 (C) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1,

1 2020, AND EACH JANUARY 1 EVERY TWO YEARS THEREAFTER IS
2 APPLICABLE TO ALL CLAIMS FOR RELIEF THAT ACCRUE ON AND AFTER THE
3 SPECIFIED JANUARY 1 AND BEFORE THE JANUARY 1 TWO YEARS
4 THEREAFTER.

5 **SECTION 3.** In Colorado Revised Statutes, 13-21-203.7, **amend**
6 (1) and (3) as follows:

7 **13-21-203.7. Adjustments of dollar limitations for effects of**
8 **inflation.** (1) The limitations on noneconomic damages set forth in
9 section 13-21-203 (1)(a) and the amount of the solatium set forth in
10 section 13-21-203.5 ~~shall~~ MUST be adjusted for inflation as of January 1,
11 1998, ~~and~~ January 1, 2008, JANUARY 1, 2020, AND EACH JANUARY 1
12 EVERY TWO YEARS THEREAFTER. The adjustments made on January 1,
13 1998, ~~and~~ January 1, 2008, ~~shall~~ JANUARY 1, 2020, AND EACH JANUARY
14 1 EVERY TWO YEARS THEREAFTER MUST be based on the cumulative
15 annual adjustment for inflation for each year since the effective date of
16 the damages limitations in sections 13-21-203 (1)(a) and 13-21-203.5.
17 The adjustments made pursuant to this subsection (1) ~~shall~~ MUST be
18 rounded upward or downward to the nearest ten-dollar increment.

19 (3) The secretary of state shall certify the adjusted limitation on
20 damages within fourteen days after the appropriate information is
21 available, and:

22 (a) The adjusted limitation on damages ~~shall be the limitation~~ IS
23 applicable to all claims for relief that accrue on or after January 1, 1998,
24 and before January 1, 2008; ~~and~~

25 (b) The adjusted limitation on damages as of January 1, 2008,
26 ~~shall be the limitation~~ IS applicable to all claims for relief that accrue on
27 and after January 1, 2008, AND BEFORE JANUARY 1, 2020; AND

1 (c) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1,
2 2020, AND EACH JANUARY 1 EVERY TWO YEARS THEREAFTER IS
3 APPLICABLE TO ALL CLAIMS FOR RELIEF THAT ACCRUE ON AND AFTER THE
4 SPECIFIED JANUARY 1 AND BEFORE THE JANUARY 1 TWO YEARS
5 THEREAFTER.

6 **SECTION 4. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2020 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.