



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

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| Drafting Number: | LLS 24-0436 | Date: | January 24, 2024 |
| Prime Sponsors: | Sen. Baisley; Roberts Rep. Titone; Bird | Bill Status: | Senate Judiciary |
| | | Fiscal Analyst: | Alexa Kelly 303-866-3469 alexa.kelly@coleg.gov |

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| Bill Topic: | LANDOWNER LIABILITY RECREATIONAL USE WARNING SIGNS |
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| Summary of Fiscal Impact: | <input checked="" type="checkbox"/> State Revenue | <input type="checkbox"/> State Transfer | <input checked="" type="checkbox"/> Local Government |
| | <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> TABOR Refund | <input type="checkbox"/> Statutory Public Entity |

The bill limits landowner liability when individuals use private land for recreational purposes, as long as a warning sign is posted by the landowner. It may minimally increase state and local revenue and expenditures on an ongoing basis.

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| Appropriation Summary: | No appropriation is required. |
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| Fiscal Note Status: | The fiscal note reflects the introduced bill. |
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Summary of Legislation

Under current law, the Colorado Recreational Use Statutes (CRUS) serves to limit landowners' liability arising from the recreational use of their land. However, the CRUS does not absolve landowners of liability in cases where death or injury results from their willful or malicious failure to warn against known hazardous conditions. The bill introduces provisions to ensure that a landowner is not deemed to have willfully or maliciously failed to warn of dangerous conditions, provided the following conditions are met:

- a warning sign must be prominently displayed at the primary access point;
- the landowner is required to maintain evidence of each warning sign; and
- any dangerous conditions leading to injury or death must be described on the sign.

Moreover, the bill mandates that individuals accessing the land for recreational purposes must adhere to designated trails, routes, areas, or roadways; failure to do so may result in trespassing charges. The bill also specifies that the CRUS does not curtail a landowner's authority to impose restrictions or prohibitions on the recreational use of their land, including setting times when the land is unavailable for use or seasonal closures.

State Revenue and Expenditures

The bill may result in a minimal increase in revenue and expenditures in the Judicial Department where litigation, hearings, or motions occur related to whether a landowner properly placed the required signage with the necessary information. Revenue from filing fees is subject to TABOR. Any court workload increase is expected to be minimal and no change in appropriations is required.

Local Government

Similar to the state, the Denver County Court may experience a minimal revenue and workload increase to the extent additional cases are filed under the bill.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Judicial

Natural Resources

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).