

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL (1)(c)(ii)

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LLS NO. 18-####.## Jane Ritter x4342

COMMITTEE BILL

Statutory Revision Committee

A BILL FOR AN ACT

101 **CONCERNING AMENDING STATUTORY PROVISIONS THAT CONTAIN**
102 **TERMINOLOGY DESCRIBING INDIVIDUALS BY THEIR MARITAL**
103 **STATUS THAT CAN BE AMBIGUOUSLY CONSTRUED IN THE**
104 **CONTEXT OF A SAME-SEX MARRIAGE.**

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/>.)

Statutory Revision Committee. The bill amends statutory provisions that contain terms such as "husband", "wife", "father", and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

"mother" that have unclear meaning or can be ambiguously construed when placed in the context of same-sex marriages.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of House Bill/Senate Bill 18-___, enacted in
4 2018, is to effect a nonsubstantive change in statute to modernize and
5 clarify the use of the terms "married woman", "wife", "husband",
6 "husband and wife", "mother and father", and similar terms, where
7 appropriate, to reflect the existence of same-sex marriages in Colorado.
8 The terms "spouse" and "parent", and similar terms, are used whenever
9 possible for clarity.

10 **SECTION 2.** In Colorado Revised Statutes, **amend** 5-3-205 as
11 follows:

12 **5-3-205. Use of multiple agreements.** A creditor may not use
13 multiple agreements with respect to a single consumer credit transaction
14 for the purpose of obtaining a higher finance charge than would otherwise
15 be permitted by this code or to avoid disclosure of an annual percentage
16 rate pursuant to the provisions on disclosure and advertising. Dividing a
17 single consumer credit transaction between ~~a husband and wife shall be~~
18 MARRIED SPOUSES IS presumed to be a violation of this section. The
19 excess amount of finance charge provided for in agreements in violation
20 of this section is an excess charge for the purposes of the provisions on
21 the effect of violations on rights of parties contained in section 5-5-201
22 and the provisions on civil actions by the administrator contained in
23 section 5-6-114.

24 **SECTION 3.** In Colorado Revised Statutes, **amend** 8-2-202 as
25 follows:

1 **8-2-202. Damages in case of death - limit.** ~~If the death of a~~
2 ~~person~~ A PERSON'S DEATH is caused by an act of carelessness, omission of
3 duty, or negligence as provided in section 8-2-201, the corporation or
4 individual who would have been liable if the death had not ensued ~~shall~~
5 ~~be~~ IS liable to an action for damages regardless of the death of the party
6 injured. In each such case the jury may award such damages as it deems
7 fair and just, with reference to the necessary injury resulting from ~~such~~
8 THE death, to the parties who may be entitled to sue under this part 2;
9 except that, if the decedent ~~left neither~~ DID NOT LEAVE a ~~widow, widower,~~
10 ~~or~~ SURVIVING SPOUSE, minor children, ~~nor~~ OR a dependent ~~father or~~
11 ~~mother~~ PARENT, the damages recoverable in any such action shall not
12 exceed forty-five thousand dollars.

13 **SECTION 4.** In Colorado Revised Statutes, 8-2-203, **amend** (1)
14 introductory portion, (1)(a), (1)(b), and (1)(c) as follows:

15 **8-2-203. Who may sue - consolidation of actions.** (1) Every
16 ~~such action shall~~ ACTION in case of death SHALL be maintained:

- 17 (a) By the ~~husband or wife~~ SURVIVING SPOUSE of the deceased;
- 18 (b) If there is no ~~husband or wife~~ SURVIVING SPOUSE or if ~~he or~~
19 ~~she~~ THE SURVIVING SPOUSE fails to sue within one year after such death,
20 by the children of the deceased or their descendants;
- 21 (c) If ~~such~~ THE deceased is a minor or unmarried, without issue,
22 by ~~the father or mother~~ A PARENT or by both PARENTS jointly; or

23 **SECTION 5.** In Colorado Revised Statutes, **amend** 8-9-104 as
24 follows:

25 **8-9-104. Joinder of spouses in assignment - acknowledgment.**
26 ~~No~~ AN assignment of wages, except for child support, not already earned
27 at the time of the assignment or any sum to become due the assignor after

1 the date of ~~such~~ THE assignment ~~shall be~~ IS NOT valid unless, if the
2 assignor is married and residing with his OR HER spouse, ~~such~~ THE spouse
3 joins in and signs ~~such~~ THE assignment and ~~such~~ THE assignment is duly
4 acknowledged before a notary public or some other officer authorized by
5 the laws of Colorado to take acknowledgments.

6 **SECTION 6.** In Colorado Revised Statutes, **amend** 8-70-129 as
7 follows:

8 **8-70-129. Employment does not include - spouse - minor.**
9 "Employment" does not include services performed by an individual in
10 the employ of his OR HER spouse and service performed by a child under
11 the age of twenty-one in the employ of ~~his father or mother~~ ONE OR BOTH
12 OF HIS OR HER PARENTS.

13 **SECTION 7.** In Colorado Revised Statutes, **amend** 8-80-103 as
14 follows:

15 **8-80-103. Assignment of benefits void - exemptions.** Any
16 assignment, pledge, or encumbrance of any right to benefits which are or
17 may become due or payable under articles 70 to 82 of this ~~title shall be~~
18 TITLE 8 IS void. Except as provided in the "Colorado Child Support
19 Enforcement Procedures Act", article 14 of title 14, ~~C.R.S.~~, such rights to
20 benefits ~~shall be~~ ARE exempt from levy, execution, attachment, or any
21 other remedy provided for the collection of debt. Benefits received by any
22 individual, so long as they are not mingled with other funds of the
23 recipient, ~~shall be~~ ARE exempt from any remedy for the collection of all
24 debts except debts incurred for necessities furnished to ~~such~~ THE
25 individual, his OR HER spouse, or HIS OR HER dependents during the time
26 when ~~such~~ THE individual was unemployed, or child support debt or
27 arrearages as specified in article 14 of title 14. ~~C.R.S.~~ Any waiver of any

1 exemption provided for in this section ~~shall be~~ IS void.

2 **SECTION 8.** In Colorado Revised Statutes, 10-4-601, **amend**
3 (10) introductory portion as follows:

4 **10-4-601. Definitions.** As used in this part 6, unless the context
5 otherwise requires:

6 (10) "Policy" means an automobile insurance policy providing
7 coverage for all or any of the following coverages: Collision,
8 comprehensive, bodily injury liability, property damage liability, medical
9 payments, and uninsured motorist coverage, or a combination automobile
10 policy providing bodily injury liability, property damage liability, medical
11 payments, uninsured motorist, and physical damage coverage, delivered
12 or issued for delivery in this state, insuring a single individual, or ~~husband~~
13 ~~and wife~~ EITHER SPOUSE OF A MARRIAGE, or family members residing in
14 the same household, as named insured, and under which the insured
15 vehicles ~~therein~~ designated are of the following types only:

16 **SECTION 9.** In Colorado Revised Statutes, 10-16-201, **amend**
17 (1) introductory portion and (1)(c) as follows:

18 **10-16-201. Form and content of individual sickness and**
19 **accident insurance policies.** (1) ~~No such~~ A policy ~~shall~~ MUST NOT be
20 delivered or issued for delivery in this state unless:

21 (c) It purports to insure only one person, except as provided in
22 sections 10-16-214 and 10-16-215, and except that a policy or contract
23 may be issued upon the application of an adult member of a family, who
24 ~~shall be~~ IS deemed the policyholder, covering members of any one family,
25 including ~~husband, wife~~ A SPOUSE, dependent children or any children
26 under the age of nineteen, and other dependents living with the family;
27 and

1 **SECTION 10.** In Colorado Revised Statutes, 12-36-133, **amend**
2 (2) as follows:

3 **12-36-133. Postmortem examinations by licensee - definition**
4 **- application of this section.** (2) Consent for a licensee to conduct a
5 postmortem examination of the body of a deceased person ~~shall be~~ IS
6 deemed sufficient when given by whichever one of the following assumes
7 custody of the body for purposes of burial: ~~Father, mother, husband, wife~~
8 A PARENT, SPOUSE, child, guardian, next of kin, or, in the absence of any
9 of the foregoing, a friend or a person charged by law with the
10 responsibility for burial. If two or more such persons assume custody of
11 the body, the consent of one of them ~~shall be deemed~~ IS sufficient.

12 **SECTION 11.** In Colorado Revised Statutes, 12-37.5-103,
13 **amend** the introductory portion and (2) as follows:

14 **12-37.5-103. Definitions.** As used in this ~~article~~ ARTICLE 37.5,
15 unless the context otherwise requires:

16 (2) "Parent" means the natural or adoptive ~~mother and father~~
17 PARENT OR PARENTS of the minor who is pregnant, if they are both living;
18 one parent of the minor if only one is living, or if the other parent cannot
19 be served with notice, as hereinafter provided; or the court-appointed
20 guardian of ~~such~~ THE minor if she has one or any foster parent to whom
21 ~~the~~ HER care and custody of ~~such minor shall have~~ HAS been assigned by
22 any agency of the state or county making ~~such~~ THE placement.

23 **SECTION 12.** In Colorado Revised Statutes, 12-47-303, **amend**
24 (1)(b) as follows:

25 **12-47-303. Transfer of ownership and temporary permits.**
26 (1) (b) When a license has been issued to a ~~husband and wife~~ SPOUSE IN
27 A MARRIAGE, or to general or limited partners, the death of a spouse or

1 partner ~~shall~~ DOES not require the surviving spouse or partner to obtain a
2 new license. All rights and privileges granted under the original license
3 ~~shall~~ continue in full force and effect as to such survivors for the balance
4 of the license period.

5 **SECTION 13.** In Colorado Revised Statutes, **amend** 13-21-103
6 as follows:

7 **13-21-103. Damages for selling liquor to intoxicated person.**

8 ~~Every husband, wife, child, parent~~ A PARENT, CHILD, SPOUSE, guardian,
9 employer, or other person who is injured in person, or property, or means
10 of support by ~~any~~ AN intoxicated person, or in consequence of ~~the~~ A
11 PERSON'S intoxication, ~~of any person,~~ has a right of action, in his OR HER
12 name, against any person who, by selling or giving away intoxicating
13 liquors to ~~any habitual drunkard~~ A PERSON WHO IS HABITUALLY
14 INTOXICATED OR WHO HAS AN ALCOHOL USE DISORDER, causes the
15 intoxication, in whole or in part, of ~~such habitual drunkard and~~ THE
16 INTOXICATED PERSON. All damages recovered by a minor under this
17 section ~~shall~~ MUST be paid either to the minor or to his OR HER parent,
18 guardian, or next friend, as the court directs. The unlawful sale or giving
19 away of intoxicating liquors works a forfeiture of all rights of the lessee
20 or tenant under any lease or contract of rent upon the premises. ~~No~~
21 Liability ~~shall~~ DOES NOT accrue against any such person as provided
22 unless the ~~husband, wife, child,~~ parent, CHILD, SPOUSE, guardian, ~~or~~
23 employer, OR OTHER PERSON first, by written or printed notice, has
24 notified ~~such~~ THE person, or his OR HER agents or employees, not to sell
25 or give away any intoxicating liquors to ~~any habitual drunkard~~ A PERSON
26 WHO IS HABITUALLY INTOXICATED OR HAS AN ALCOHOL USE DISORDER.

27 **SECTION 14.** In Colorado Revised Statutes, 13-21-201, **amend**

1 (1) introductory portion, (1)(c)(I), (1)(c)(II), and (1)(d) as follows:

2 **13-21-201. Damages for death - definition.** (1) When any A
3 person dies from any injury resulting from or occasioned by the
4 negligence, unskillfulness, or criminal intent of any officer, agent,
5 servant, or employee while running, conducting, or managing any
6 locomotive, car, or train of cars, or of any driver of any coach or other
7 conveyance operated for the purpose of carrying either freight or
8 passengers for hire while in charge of the same as a driver, and when any
9 passenger dies from an injury resulting from or occasioned by any defect
10 or insufficiency in any railroad or any part thereof OF THE RAILROAD, or
11 in any locomotive or car, or other conveyance operated for the purpose of
12 carrying either freight or passengers for hire, the corporation or
13 individuals in whose employ ~~any such~~ THE officer, agent, servant,
14 employee, master, pilot, engineer, or driver is at the time ~~such~~ THE injury
15 is committed, or who owns any such railroad, locomotive, car, or other
16 conveyance operated for the purpose of carrying either freight or
17 passengers for hire at the time ~~any such~~ OF THE injury, ~~is received~~, and
18 resulting from or occasioned by the defect or insufficiency ~~above~~
19 described ~~shall forfeit and pay~~ IN SUBSECTION (1)(c) OF THIS SECTION
20 FORFEITS AND PAYS for every person and passenger ~~so injured the~~ A sum
21 ~~of~~ not exceeding ten thousand dollars and not less than three thousand
22 dollars, which may be sued for and recovered:

23 (c) (I) If the deceased is an unmarried minor without descendants
24 or an unmarried adult without descendants and without a designated
25 beneficiary pursuant to article 22 of title 15, ~~C.R.S.~~, by ~~the father or~~
26 ~~mother who~~ ONE OR BOTH OF THE DECEASED'S PARENTS may join in the
27 suit. Except as provided in ~~subparagraphs (II) and (III) of this paragraph~~

1 ~~(c), the father and mother shall~~ SUBSECTION (1)(c)(II) AND (1)(c)(III) OF
2 THIS SECTION, THE PARENT OR PARENTS OF THE DECEASED have an equal
3 interest in the judgment, or if either of them is dead, then the surviving
4 parent ~~shall have~~ HAS an exclusive interest in the judgment.

5 (II) For cases in which the ~~father and mother~~ DECEASED'S PARENTS
6 are divorced, separated, or living apart, a motion may be filed by either
7 ~~the father or the mother~~ PARENT prior to trial requesting the court to
8 apportion fairly any judgment awarded in the case. Where such a motion
9 is filed, the court shall conduct a post-judgment hearing at which the
10 ~~father and the mother shall~~ DECEASED'S PARENTS have the opportunity to
11 be heard and to produce evidence regarding each parent's relationship
12 with the deceased child.

13 (d) For purposes of this section, ~~"father or mother"~~ "PARENT"
14 means a natural parent of the deceased or a parent of the deceased by
15 adoption. ~~"Father or mother"~~ "PARENT" does not include a person whose
16 parental rights concerning the deceased were terminated pursuant to the
17 provisions of title 19. ~~C.R.S.~~

18 **SECTION 15.** In Colorado Revised Statutes, 13-21-203, **amend**
19 (1)(a) as follows:

20 **13-21-203. Limitation on damages.** (1) (a) All damages
21 accruing under section 13-21-202 ~~shall~~ MUST be sued for and recovered
22 by the same parties and in the same manner as provided in section
23 13-21-201. ~~and~~ In every such action, the jury may give such damages as
24 they ~~may~~ deem fair and just, with reference to the necessary injury
25 resulting from such death, including damages for noneconomic loss or
26 injury, as defined in section 13-21-102.5, and subject to the limitations of
27 this section. ~~and including~~ THE JURY MAY INCLUDE within noneconomic

1 loss or injury damages for grief, loss of companionship, pain and
2 suffering, and emotional stress, to the surviving parties who may be
3 entitled to sue. ~~and also having regard to the~~ THE JURY MAY INCLUDE
4 mitigating or aggravating circumstances attending any such wrongful act,
5 neglect, or default; except that, if the decedent ~~left neither a widow, a~~
6 ~~widower, minor children, nor a dependent father or mother~~ WAS NOT
7 SURVIVED BY A SPOUSE, MINOR CHILDREN, OR A DEPENDENT PARENT, the
8 damages recoverable in any such action ~~shall~~ MUST not exceed the
9 limitations for noneconomic loss or injury set forth in section
10 13-21-102.5, unless the wrongful act, neglect, or default causing death
11 constitutes a felonious killing, as defined in section 15-11-803 (1)(b)
12 ~~Č.R.S.~~, and as determined in the manner described in section 15-11-803
13 (7), ~~Č.R.S.~~, in which case there ~~shall be~~ IS no limitation on the damages
14 for noneconomic loss or injury recoverable in such action. ~~No action shall~~
15 AN ACTION MUST NOT be brought, and ~~no recovery shall~~ MUST NOT be had
16 under ~~both section~~ sections 13-21-201 and ~~section~~ 13-21-202. ~~and~~ In all
17 cases, the plaintiff is required to elect under which section he or she will
18 proceed. There ~~shall~~ MUST be only one civil action under this part 2 for
19 recovery of damages for the wrongful death of any one decedent.
20 Notwithstanding anything in this section or in section 13-21-102.5 to the
21 contrary, there ~~shall be~~ IS no recovery under this part 2 for noneconomic
22 loss or injury in excess of two hundred fifty thousand dollars, unless the
23 wrongful act, neglect, or default causing death constitutes a felonious
24 killing, as defined in section 15-11-803 (1)(b) ~~Č.R.S.~~, and as determined
25 in the manner described in section 15-11-803 (7). ~~Č.R.S.~~

26 **SECTION 16.** In Colorado Revised Statutes, 13-54-104, **amend**
27 (3)(b)(I) introductory portion and (3)(b)(I)(A) as follows:

1 **13-54-104. Restrictions on garnishment and levy under**
2 **execution or attachment - definitions.** (3) (b) (I) The maximum part of
3 the aggregate disposable earnings of an individual for any workweek
4 ~~which is~~ subject to garnishment or levy under execution or attachment to
5 enforce any order for the support of any person ~~shall~~ MUST not exceed:

6 (A) Where such individual is supporting his OR HER spouse or
7 dependent child, other than a spouse or child with respect to whose
8 support such order is used, fifty percent of ~~such~~ THE individual's
9 disposable earnings for that week; and

10 **SECTION 17.** In Colorado Revised Statutes, 13-90-107, **amend**
11 (1)(a) and (1)(a.5) as follows:

12 **13-90-107. Who may not testify without consent - privileges -**
13 **definitions.** (1) There are particular relations in which it is the policy of
14 the law to encourage confidence and to preserve it inviolate; therefore, a
15 person shall not be examined as a witness in the following cases:

16 (a) (I) Except as otherwise provided in section 14-13-310 (4),
17 ~~C.R.S., a husband~~ A SPOUSE shall not be examined for or against his wife
18 OR HER SPOUSE without ~~her~~ THE SPOUSE'S consent. ~~nor a wife for or~~
19 ~~against her husband without his consent; nor~~ During the marriage or
20 afterward, NEITHER SPOUSE shall ~~either~~ be examined without the consent
21 of the other as to any communications made by one to the other during the
22 marriage. ~~but~~ This exception does not apply to a civil action or
23 proceeding by one SPOUSE against the other SPOUSE, a criminal action or
24 proceeding for a crime committed by one SPOUSE against the other
25 SPOUSE, or a criminal action or proceeding against one or both spouses
26 when the alleged offense occurred prior to the date of the parties'
27 marriage. However, this exception ~~shall~~ DOES not attach if the otherwise

1 privileged information is communicated after the marriage.

2 (II) The privilege described in this ~~paragraph (a)~~ SUBSECTION
3 (1)(a) does not apply to class 1, CLASS 2, or CLASS 3 felonies as described
4 in section 18-1.3-401 (1)(a)(IV) and (1)(a)(V), ~~€R.S.~~, or to level 1 or
5 LEVEL 2 drug felonies as described in section 18-1.3-401.5 (2)(a). ~~€R.S.~~
6 In this instance, during the marriage or afterward, a ~~husband~~ SPOUSE shall
7 not be examined for or against his ~~wife~~ OR HER SPOUSE as to any
8 communications intended to be made in confidence and made by one
9 SPOUSE to the other SPOUSE during the marriage without ~~his~~ THE SPOUSE'S
10 consent. ~~and a wife shall not be examined for or against her husband as~~
11 ~~to any communications intended to be made in confidence and made by~~
12 ~~one to the other without her consent.~~

13 (III) Communications between a ~~husband and wife~~ SPOUSES are
14 not privileged pursuant to this ~~paragraph (a)~~ SUBSECTION (1)(a) if ~~such~~
15 THE communications are made for the purpose of aiding the commission
16 of a future crime or of a present continuing crime.

17 (IV) The burden of proving the existence of a marriage for the
18 purposes of this ~~paragraph (a)~~ ~~shall be~~ SUBSECTION (1)(a) IS on the party
19 asserting the claim.

20 (V) Notice of the assertion of the ~~marital~~ SPOUSAL privilege shall
21 be given as soon as practicable but not less than ten days prior to assertion
22 at any hearing.

23 (VI) FOR THE PURPOSES OF THIS SUBSECTION (1)(a), "SPOUSE"
24 MEANS A PERSON WHO HAS ENTERED INTO A LEGAL MARRIAGE.

25 (a.5) (I) Except as otherwise provided in section 14-13-310 (5),
26 ~~€R.S.~~, a partner in a civil union shall not be examined for or against the
27 other partner in the civil union without the other partner's consent. ~~nor~~

1 During the civil union or afterward, NEITHER PARTNER shall either be
2 examined without the consent of the other as to any communications
3 made by one to the other during the civil union. ~~except that~~ This
4 exception does not apply to a civil action or proceeding by one against the
5 other, a criminal action or proceeding for a crime committed by one
6 against the other, or a criminal action or proceeding against one or both
7 partners when the alleged offense occurred prior to the date of the parties'
8 certification of the civil union. However, this exception shall DOES not
9 attach if the otherwise privileged information is communicated after the
10 certification of the civil union.

11 (II) The privilege described in this ~~paragraph (a.5)~~ SUBSECTION
12 (1)(a.5) does not apply to class 1, CLASS 2, or CLASS 3 felonies as
13 described in section 18-1.3-401 (1)(a)(IV) and (1)(a)(V), ~~C.R.S.~~, or to
14 level 1 or LEVEL 2 drug felonies as described in section 18-1.3-401.5
15 (2)(a). ~~C.R.S.~~ In this instance, during the civil union or afterward, a
16 partner in a civil union shall not be examined for or against the other
17 partner in the civil union as to any communications intended to be made
18 in confidence and made by one to the other during the civil union without
19 the other partner's consent.

20 (III) Communications between partners in a civil union are not
21 privileged pursuant to this ~~paragraph (a.5) if such~~ SUBSECTION (1)(a.5) IF
22 THE communications are made for the purpose of aiding the commission
23 of a future crime or of a present continuing crime.

24 (IV) The burden of proving the existence of a civil union for the
25 purposes of this ~~paragraph (a.5) shall be~~ SUBSECTION (1)(a.5) IS on the
26 party asserting the claim.

27 (V) Notice of the assertion of the privilege described in this

1 ~~paragraph (a.5)~~ SUBSECTION (1)(a.5) shall be given as soon as practicable
2 but not less than ten days prior to assertion at any hearing.

3 (VI) For the purposes of this ~~paragraph (a.5)~~ SUBSECTION (1)(a.5),
4 "partner in a civil union" means a person who has entered into a civil
5 union established in accordance with the requirements of article 15 of title
6 14. C.R.S.

7 **SECTION 18.** In Colorado Revised Statutes, **amend** 13-90-108
8 as follows:

9 **13-90-108. Offer taken as consent.** The offer of a person of
10 himself OR HERSELF as a witness ~~shall be~~ IS deemed a consent to the
11 examination. The offer of a ~~wife, husband~~ SPOUSE, attorney, ~~clergyman~~
12 MEMBER OF THE CLERGY, physician, surgeon, certified public accountant,
13 or certified psychologist as a witness ~~shall be~~ IS deemed a consent to the
14 examination, within the meaning of section 13-90-107 (1)(a) to (1)(d),
15 (1)(f), and (1)(g).

16 **SECTION 19.** In Colorado Revised Statutes, 14-6-101, **amend**
17 (1) as follows:

18 **14-6-101. Nonsupport of spouse and children - penalty.**
19 (1) ~~Any~~ A person who willfully neglects, fails, or refuses to provide
20 reasonable support and maintenance for his OR HER spouse or for his OR
21 HER children under eighteen years of age, whether natural, adopted, or
22 whose parentage has been judicially determined, or who willfully fails,
23 refuses, or neglects to provide proper care, food, and clothing in case of
24 sickness for his OR HER spouse or ~~such~~ HIS OR HER children or any ~~such~~
25 OF HIS OR HER children being legally the inmates of a state or county home
26 or school for children in this state, or who willfully fails or refuses to pay
27 to a trustee, who may be appointed by the court to receive such payment,

1 or to the board of control of such home or school the reasonable cost of
2 keeping ~~such~~ HIS OR HER children in said home, or any person, being the
3 ~~father or mother of children~~ PARENT OF CHILDREN under eighteen years
4 of age, who leaves ~~such~~ HIS OR HER children with intent to abandon ~~such~~
5 THOSE children, or any ~~man~~ PERSON who willfully neglects, fails, or
6 refuses to provide proper care, food, and clothing to the ~~mother of his~~
7 PERSON'S child during childbirth and attendant illness is guilty of a class
8 5 felony. It ~~shall be~~ IS an affirmative defense, as defined in section
9 18-1-407, ~~C.R.S.~~, to a prosecution under this section that owing to
10 physical incapacity or other good cause the defendant is unable to furnish
11 the support, care, and maintenance required by this section. ~~No~~ A child
12 ~~shall be~~ IS NOT deemed to lack proper care for the sole reason that he OR
13 SHE is being provided remedial treatment in accordance with section
14 19-3-103. ~~C.R.S.~~

15 **SECTION 20.** In Colorado Revised Statutes, **amend** 14-6-105 as
16 follows:

17 **14-6-105. Spouse is competent witness.** In all proceedings or
18 prosecutions ~~under~~ PURSUANT TO this article, ~~a wife or husband shall be~~
19 ARTICLE 6, A SPOUSE IS a competent witness against his OR HER spouse
20 with or without ~~his~~ THE SPOUSE'S consent.

21 **SECTION 21.** In Colorado Revised Statutes, **amend** 14-6-110 as
22 follows:

23 **14-6-110. Joint liability for family expenses.** The expenses of
24 the family and the education of the children are chargeable upon the
25 property of both ~~husband and wife~~ SPOUSES, or either ~~of them~~ SPOUSE
26 SEPARATELY, and in relation ~~thereto~~ they may be sued jointly or
27 separately.

1 **SECTION 22.** In Colorado Revised Statutes, 14-10-106, **amend**
2 (1)(c) introductory portion, (1)(c)(I), and (1)(c)(II) as follows:

3 **14-10-106. Dissolution of marriage - legal separation.** (1) (c) In
4 a proceeding to dissolve a marriage, ~~or in~~ a proceeding for legal
5 separation, or ~~in~~ a proceeding for declaration of invalidity, the court is
6 deemed to have made an adjudication of the parentage of a child of the
7 marriage if the court acts under circumstances that satisfy the
8 jurisdictional requirements of section 14-5-201 and the final order:

9 (I) Expressly identifies a child as a "child of the marriage", "issue
10 of the marriage", or similar words indicating that ~~the husband is the father~~
11 BOTH SPOUSES ARE THE PARENTS of the child; or

12 (II) Provides for support of the child by ~~the husband~~ ONE OF THE
13 SPOUSES, unless paternity is specifically disclaimed in the order.

14 **SECTION 23.** In Colorado Revised Statutes, 14-10-107, **amend**
15 (2) introductory portion and (2)(d) as follows:

16 **14-10-107. Commencement - pleadings - abolition of existing**
17 **defenses - automatic, temporary injunction - enforcement.** (2) The
18 petition in a proceeding for dissolution of marriage or legal separation
19 ~~shall~~ MUST allege that the marriage is irretrievably broken and ~~shall~~ set
20 forth:

21 (d) The names, ages, and addresses of any living children of the
22 marriage and whether ~~the wife~~ ONE OF THE SPOUSES is pregnant;

23 **SECTION 24.** In Colorado Revised Statutes, 14-10-120.3,
24 **amend** (1)(a) as follows:

25 **14-10-120.3. Dissolution of marriage or legal separation upon**
26 **affidavit - requirements.** (1) Final orders in a proceeding for dissolution
27 of marriage or legal separation may be entered upon the affidavit of either

1 or both parties when:

2 (a) There are no minor children of the ~~husband and wife~~
3 MARRIAGE and ~~the wife is not~~ NEITHER SPOUSE IS pregnant or ~~the husband~~
4 ~~and wife are both~~ BOTH SPOUSES ARE represented by counsel and have
5 entered into a separation agreement that provides for the allocation of
6 parental responsibilities concerning the children of the marriage and
7 setting out the amount of child support to be provided by ~~the husband or~~
8 ~~wife~~ ONE SPOUSE SEPARATELY or both SPOUSES COMBINED; and

9 **SECTION 25.** In Colorado Revised Statutes, **amend** 14-12-104
10 as follows:

11 **14-12-104. Duties of domestic relations counselors.**

12 (1) Domestic relations counselors shall, under the supervision of and as
13 directed by the judge of the district court in which they are serving,
14 perform the following duties:

15 (a) Promptly consider all requests for counseling for the purpose
16 of disposing of such requests pursuant to this ~~article~~ ARTICLE 12;

17 (b) Counsel ~~husband or wife or both~~ ONE OR BOTH SPOUSES under
18 a schedule of fees set by the judge of the district court wherein the case
19 is heard. ~~said~~ THE fee IS to be paid by either ~~the husband or wife~~ SPOUSE
20 or jointly by ~~the husband and wife~~ BOTH SPOUSES, as determined by the
21 court, whether or not a petition for dissolution of marriage, declaration of
22 invalidity of marriage, or legal separation has been filed, if the spouses
23 have marital difficulties which may lead to a termination of the marriage
24 relationship;

25 (c) If, in the judgment of the counselor, prolonged counseling is
26 necessary or if it appears that medical, psychiatric, or religious assistance
27 is indicated, refer ~~the husband or wife~~ ONE or both SPOUSES to a

1 physician, psychiatrist, psychologist, social service agency, or ~~clergyman~~
2 MEMBER OF THE CLERGY of any religious denomination to which the
3 parties may belong.

4 **SECTION 26.** In Colorado Revised Statutes, 14-13-310, **amend**
5 (4) as follows:

6 **14-13-310. Hearing and order.** (4) A privilege against
7 disclosure of communications between spouses and a defense of
8 immunity based on the relationship of ~~husband and wife~~ THE SPOUSES or
9 parent and child may not be invoked in a proceeding under this part 3.

10 **SECTION 27.** In Colorado Revised Statutes, 15-1.5-106, **amend**
11 (1) as follows:

12 **15-1.5-106. Multiple beneficiaries - separate custodial trusts**
13 **- survivorship.** (1) Beneficial interests in a custodial trust created for
14 multiple beneficiaries are deemed to be separate custodial trusts of equal
15 undivided interests for each beneficiary. Except in a transfer or
16 declaration for use and benefit of ~~husband and wife~~ SPOUSES, for whom
17 survivorship is presumed, a right of survivorship does not exist unless the
18 instrument creating the custodial trust specifically provides for
19 survivorship.

20 **SECTION 28.** In Colorado Revised Statutes, 15-11-712, **amend**
21 (4) as follows:

22 **15-11-712. Simultaneous death - disposition of property.**
23 (4) Where a ~~husband and wife~~ TWO SPOUSES have died leaving
24 community property and there is no clear and convincing evidence that
25 they have died otherwise than simultaneously, one-half of all the
26 community property shall pass as if the ~~husband~~ FIRST SPOUSE had
27 survived, and as if said one-half were his OR HER separate property, and

1 the other one-half thereof shall pass as if the ~~wife~~ SECOND SPOUSE had
2 survived, and as if said other one-half were HIS OR her separate property.

3 **SECTION 29.** In Colorado Revised Statutes, 15-11-802, **amend**
4 (1) as follows:

5 **15-11-802. Effect of divorce, annulment, and decree of**
6 **separation.** (1) An individual who is divorced from the decedent or
7 whose marriage to the decedent has been annulled is not a surviving
8 spouse unless, by virtue of a subsequent marriage, he or she is married to
9 the decedent at the time of death. A decree of separation that does not
10 terminate the MARITAL status of ~~husband and wife~~ SPOUSES is not a
11 divorce for purposes of this section.

12 **SECTION 30.** In Colorado Revised Statutes, 15-11-804, **amend**
13 (1)(b) as follows:

14 **15-11-804. Revocation of probate and nonprobate transfers by**
15 **divorce - no revocation by other changes of circumstances -**
16 **definitions.** (1) **Definitions.** As used in this section, unless the context
17 otherwise requires:

18 (b) "Divorce or annulment" means any divorce or annulment, or
19 any dissolution or declaration of invalidity of a marriage, that would
20 exclude the spouse as a surviving spouse within the meaning of section
21 15-11-802. A decree of separation that does not terminate the MARITAL
22 status of ~~husband and wife~~ SPOUSES is not a divorce for purposes of this
23 section.

24 **SECTION 31.** In Colorado Revised Statutes, 15-12-713, **amend**
25 (1) introductory portion as follows:

26 **15-12-713. Sale, encumbrance, or transaction involving**
27 **conflict of interest - voidable - exceptions.** (1) Any sale or

1 encumbrance to the personal representative, his OR HER spouse, agent, or
2 attorney, or any corporation or trust in which he OR SHE has a beneficial
3 interest, or any transaction which is affected by a conflict of interest on
4 the part of the personal representative, is voidable by any person
5 interested in the estate except one who has consented, unless:

6 **SECTION 32.** In Colorado Revised Statutes, **amend** 17-26-106
7 as follows:

8 **17-26-106. Male and female prisoners.** Male and female
9 prisoners ~~except husband and wife~~, shall not be put or kept in the same
10 room.

11 **SECTION 33.** In Colorado Revised Statutes, 18-3-102, **amend**
12 (4) as follows:

13 **18-3-102. Murder in the first degree.** (4) The statutory privilege
14 between patient and physician and between ~~husband and wife shall not be~~
15 SPOUSES IS NOT available for excluding or refusing testimony in any
16 prosecution for the crime of murder in the first degree as described in
17 ~~paragraph (f) of subsection (1)~~ SUBSECTION (1)(f) of this section.

18 **SECTION 34.** In Colorado Revised Statutes, 18-3-411, **amend**
19 (5) as follows:

20 **18-3-411. Sex offenses against children - "unlawful sexual**
21 **offense" defined - limitation for commencing proceedings - evidence**
22 **- statutory privilege.** (5) The statutory privilege between ~~the husband~~
23 ~~and the wife shall not be~~ SPOUSES IS NOT available for excluding or
24 refusing testimony in any prosecution of an unlawful sexual offense.

25 **SECTION 35.** In Colorado Revised Statutes, 18-6-401, **amend**
26 (3) as follows:

27 **18-6-401. Child abuse - definition - statutory privilege.** (3) The

1 statutory privilege between patient and physician and between husband
2 and wife shall not be SPOUSES IS NOT available for excluding or refusing
3 testimony in any prosecution for a violation of this section.

4 **SECTION 36.** In Colorado Revised Statutes, 18-6-401.1, **amend**
5 (5) as follows:

6 **18-6-401.1. Child abuse - limitation for commencing**
7 **proceedings - evidence - definition - statutory privilege.** (5) The
8 statutory privilege between the victim-patient and his OR HER physician
9 and between the husband and the wife shall not be SPOUSES IS NOT
10 available for excluding or refusing testimony in any prosecution of an act
11 of child abuse.

12 **SECTION 37.** In Colorado Revised Statutes, 18-7-201, **amend**
13 (1) as follows:

14 **18-7-201. Prostitution prohibited - definitions.** (1) ~~Any~~ A
15 person who performs or offers or agrees to perform any act of sexual
16 intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with
17 any person WHO IS not his OR HER spouse in exchange for money or other
18 thing of value commits prostitution.

19 **SECTION 38.** In Colorado Revised Statutes, 18-7-205, **amend**
20 (1) introductory portion as follows:

21 **18-7-205. Patronizing a prostitute.** (1) ~~Any~~ A person who
22 performs any of the following with a person WHO IS not his OR HER
23 spouse commits patronizing a prostitute:

24 **SECTION 39.** In Colorado Revised Statutes, 18-7-406, **amend**
25 (1) introductory portion as follows:

26 **18-7-406. Patronizing a prostituted child.** (1) ~~Any~~ A person
27 who performs any of the following with a child not his OR HER spouse

1 commits patronizing a prostituted child:

2 **SECTION 40.** In Colorado Revised Statutes, 19-1-103, **amend**
3 (44.5), (56), and (56.5) as follows:

4 **19-1-103. Definitions.** As used in this title 19 or in the specified
5 portion of this title 19, unless the context otherwise requires:

6 (44.5) "Donor", as used in section 19-4-106, means an individual
7 who produces eggs or sperm used for assisted reproduction, whether or
8 not for consideration. "Donor" does not include a ~~husband~~ SPOUSE who
9 provides sperm, or a ~~wife~~ SPOUSE who provides eggs, to be used for
10 assisted reproduction by the ~~wife~~ SPOUSE.

11 (56) (a) "Grandparent" means a person who is the parent of ONE
12 OF a child's ~~father or mother~~ PARENTS, who is related to the child by
13 blood, in whole or by half, adoption, or marriage.

14 (b) "Grandparent", as used in sections 19-1-117 and 19-1-117.5,
15 has the same meaning as set forth in ~~paragraph (a) of this subsection (56)~~
16 SUBSECTION (56)(a) OF THIS SECTION; except that "grandparent" does not
17 include the parent of ONE OF a child's legal ~~father or mother~~ PARENTS
18 whose parental rights have been terminated in accordance with sections
19 19-5-101 and 19-1-104 (1)(d).

20 (56.5) "Great-grandparent", as used in sections 19-1-117 and
21 19-1-117.5, means a person who is the grandparent of ONE OF a child's
22 ~~father or mother~~ PARENTS, who is related to the child by blood, in whole
23 or by half, adoption, or marriage. "Great-grandparent" does not include
24 the grandparent of ONE OF a child's legal ~~father or mother~~ PARENTS whose
25 parental rights have been terminated in accordance with sections
26 19-5-101 and 19-1-104 (1)(d).

27 **SECTION 41.** In Colorado Revised Statutes, 19-3-311, **amend**

1 (2) as follows:

2 **19-3-311. Evidence not privileged.** (2) The privileged
3 communication between ~~husband and wife shall not be a ground~~ SPOUSES
4 IS NOT GROUNDS for excluding evidence in any judicial proceeding
5 resulting from a report pursuant to this part 3.

6 **SECTION 42.** In Colorado Revised Statutes, 19-4-106, **amend**
7 (1), (3), and (5) as follows:

8 **19-4-106. Assisted reproduction.** (1) If, under the supervision
9 of a licensed physician or advanced practice nurse and with the consent
10 of her ~~husband, a wife~~ SPOUSE, A SPOUSE consents to assisted
11 reproduction with sperm donated by a man not her ~~husband, the husband~~
12 SPOUSE, THE SPOUSE is treated in law as if ~~he were the natural father~~ THE
13 SPOUSE WERE THE NATURAL PARENT of a child thereby conceived. If,
14 under the supervision of a licensed physician or advanced practice nurse
15 and with the consent of her ~~husband, a wife~~ SPOUSE, A SPOUSE consents
16 to assisted reproduction with an egg donated by another woman, to
17 conceive a child for herself, not as a surrogate, the ~~wife~~ SPOUSE is treated
18 in law as if she were the natural ~~mother~~ PARENT of a child thereby
19 conceived. ~~Both the husband's and the wife's~~ THE consent OF BOTH
20 SPOUSES must be in writing and signed by each of them. The physician or
21 advanced practice nurse shall certify their signatures and the date of the
22 assisted reproduction and shall file the consents with the department of
23 public health and environment, where they shall be kept confidential and
24 in a sealed file; however, the physician's failure to do so does not affect
25 the father and child relationship or the mother and child relationship. All
26 papers and records pertaining to the assisted reproduction, whether part
27 of the permanent record of a court or of a file held by the supervising

1 physician or advanced practice nurse or elsewhere, are subject to
2 inspection only upon an order of the court for good cause shown.

3 (3) If a ~~husband~~ SPOUSE provides sperm for, or consents to,
4 assisted reproduction by his ~~wife~~ SPOUSE as provided in subsection (1) of
5 this section, he is the ~~father~~ PARENT of the resulting child.

6 (5) Failure of ~~the husband~~ A SPOUSE to sign a consent required by
7 subsection (1) of this section before or after the birth of the child does not
8 preclude a finding that the ~~husband is the father~~ SPOUSE IS THE PARENT of
9 a child born to his ~~wife~~ SPOUSE pursuant to section 19-4-105 (2)(a).

10 **SECTION 43.** In Colorado Revised Statutes, **amend** 19-4-108 as
11 follows:

12 **19-4-108. Statute of limitations.** An action to determine the
13 existence of the father and child relationship may be brought at any time
14 prior to the child's eighteenth birthday by ~~the mother or father of said~~
15 EITHER PARENT OF THE child, by the child, or by the delegate child support
16 enforcement agency. If, however, the statute of limitations in effect at the
17 time of the child's birth was less than eighteen years, the delegate child
18 support enforcement agency may bring an action on behalf of the ~~said~~
19 THE child at any time prior to the child's twenty-first birthday. An action
20 brought by a child whose paternity has not been determined may be
21 brought at any time prior to the child's twenty-first birthday. This section
22 and section 19-4-107 do not extend the time within which a right of
23 inheritance or a right to a succession may be asserted beyond the time
24 provided by law relating to distribution and closing of decedents' estates
25 or to the determination of heirship, or otherwise.

26 **SECTION 44.** In Colorado Revised Statutes, **amend** 19-4-110 as
27 follows:

1 **19-4-110. Parties.** The child may be made a party to the action.
2 If the child is a minor, the court may appoint a guardian ad litem.
3 NEITHER OF the child's ~~mother or father~~ PARENTS may ~~not~~ represent the
4 child as guardian or otherwise. The court shall make the natural mother,
5 each man presumed to be the father under section 19-4-105, and each
6 man alleged to be the natural father parties or, if not subject to the
7 jurisdiction of the court, provide notice of the action in a manner
8 prescribed by the court and an opportunity to be heard. If a man who is
9 alleged to be the natural father is deceased, the court shall make the
10 personal representative of his estate, if one has been appointed, a party.
11 If a personal representative has not been appointed, the court shall make
12 the deceased man's spouse or an immediate blood relative a party. If a
13 spouse or immediate blood relative is not known or does not exist, the
14 court shall appoint a representative for the alleged natural father who is
15 deceased. The court may align the parties. When the person to be served
16 has no residence within Colorado and his or her place of residence is not
17 known or when he or she cannot be found within the state after due
18 diligence, service must be by publication pursuant to rule 4 (g) of the
19 Colorado rules of civil procedure; except that service must be by a single
20 publication and must be completed not less than five days prior to the
21 time set for hearing on paternity adjudication.

22 **SECTION 45.** In Colorado Revised Statutes, 22-1-102, **amend**
23 (2) introductory portion and (2)(f) as follows:

24 **22-1-102. Residence of child.** (2) A child ~~shall be~~ IS deemed to
25 reside in a school district if:

26 (f) ~~If~~ One of the child's parents or ~~the~~ HIS OR HER guardian ~~of his~~
27 person is a public officer or employee living temporarily for the

1 performance of his OR HER duties in a school district other than that of his
2 OR HER residence. ~~Unless the parents of a child are permanently~~
3 ~~separated,~~ The residence of the ~~husband shall be deemed to be~~ PARENT
4 WITH WHOM THE CHILD RESIDES A MAJORITY OF THE TIME IS the residence
5 of the child. ~~but, if the parents have permanently separated, the residence~~
6 ~~of the child shall be that of the parent with whom the child actually lives.~~

7 **SECTION 46.** In Colorado Revised Statutes, 22-1-127, **amend**
8 (1)(c) as follows:

9 **22-1-127. Incentives for school enrollment or attendance -**
10 **prohibited - exceptions - definitions.** (1) As used in this section, unless
11 the context otherwise requires:

12 (c) "Parent" means the biological or adoptive ~~mother or father or~~
13 ~~stepmother or stepfather~~ PARENT OR STEPPARENT of a child or any other
14 person having legal or physical custody of a child.

15 **SECTION 47.** In Colorado Revised Statutes, 22-33-102, **amend**
16 the introductory portion and (10) as follows:

17 **22-33-102. Definitions.** As used in this ~~article~~ ARTICLE 33, unless
18 the context otherwise requires:

19 (10) "Parent" means the ~~mother or father~~ NATURAL OR ADOPTIVE
20 PARENT of a child or any other person having custody of a child.

21 **SECTION 48.** In Colorado Revised Statutes, 24-6-202, **amend**
22 (2) introductory portion, (2)(a), (2)(b), (2)(c), (2)(d), (2)(f), (2)(g), and (6)
23 as follows:

24 **24-6-202. Disclosure - contents - filing - false or incomplete**
25 **filing - penalty.** (2) Disclosure ~~shall include~~ INCLUDES:

26 (a) The names of any source or sources of any income, including
27 capital gains, whether or not taxable, of the person making disclosure, his

1 OR HER spouse, and minor children residing with ~~him~~ THE PERSON
2 MAKING DISCLOSURE;

3 (b) The name of each business, insurance policy, or trust in which
4 ~~he, his spouse~~ THE PERSON MAKING DISCLOSURE, HIS OR HER SPOUSE, or
5 minor children residing with ~~him~~ THE PERSON MAKING DISCLOSURE has
6 a financial interest in excess of five thousand dollars;

7 (c) The legal description of any interest in real property, including
8 an option to buy, in the state in which the person making disclosure, his
9 OR HER spouse, or minor children residing with ~~him~~ THE PERSON MAKING
10 DISCLOSURE have any interest, direct or indirect, the market value of
11 which is in excess of five thousand dollars;

12 (d) The identity, by name, of all offices, directorships, and
13 fiduciary relationships held by the person making disclosure, his OR HER
14 spouse, and minor children residing with ~~him~~ THE PERSON MAKING
15 DISCLOSURE;

16 (f) The name of each creditor to whom the person making
17 disclosure, his OR HER spouse, or minor children RESIDING WITH THE
18 PERSON MAKING DISCLOSURE owe money in excess of one thousand
19 dollars and the interest rate;

20 (g) A list of businesses with which the person making disclosure
21 or his OR HER spouse are associated that do business with or are regulated
22 by the state and the nature of such business or regulation;

23 (6) Any person subject to the provisions of this section may elect
24 to file ANNUALLY with the secretary of state ~~annually~~ a copy of his OR HER
25 federal income tax return and any separate federal income tax return filed
26 by his OR HER spouse or minor children residing with ~~him~~ THE PERSON
27 MAKING DISCLOSURE, together with a certified statement of any

1 investments held by ~~him, his~~ THE PERSON MAKING DISCLOSURE, HIS OR
2 HER spouse, or minor children residing with ~~him~~ THE PERSON MAKING
3 DISCLOSURE which are not reflected by the income tax returns in lieu of
4 complying with the provisions of subsections (1) to (4) of this section.
5 ~~which~~ THE tax return and any statement filed under the provisions of this
6 subsection (6) ~~shall be~~ ARE public information.

7 **SECTION 49.** In Colorado Revised Statutes, 25-2-112, **amend**
8 (2), (3)(a) introductory portion, (3)(a)(II), (3)(a)(III), and (3)(a)(IV) as
9 follows:

10 **25-2-112. Certificates of birth - filing - establishment of**
11 **paternity.** (2) When a birth occurs in an institution, or upon order of any
12 court with proper jurisdiction, the person in charge of the institution or
13 ~~such person's~~ HIS OR HER designated representative shall obtain the
14 personal data, prepare the certificate, certify the authenticity of the birth
15 registration either by signature or by an approved electronic process, and
16 file it with the state registrar or as otherwise directed by the state registrar
17 within the required ten days. The physician in attendance shall provide the
18 medical information required by the certificate within five days after the
19 birth. When the birth occurs outside an institution, THE PHYSICIAN IN
20 ATTENDANCE SHALL PREPARE AND FILE the certificate ~~shall be prepared~~
21 ~~and filed by the physician in attendance~~ at or immediately after birth, or
22 in the absence of such a physician, by any person witnessing the birth, or
23 in the absence of any such witness by ~~the father or mother~~ ONE OR BOTH
24 OF THE PARENTS, or in the absence ~~of the father and the inability of the~~
25 ~~mother~~ OR INABILITY OF BOTH PARENTS by the person in charge of the
26 premises where the birth occurred. The person who completes and files
27 the certificate shall also be responsible for obtaining the social security

1 account numbers of the parents and delivering those numbers to the state
2 registrar along with the certificate.

3 (3) (a) If the mother was married either at the time of conception
4 or birth, the name of ~~the husband~~ HER SPOUSE shall be entered on the
5 certificate as the ~~father~~ PARENT of the child unless:

6 (II) The mother and ~~the mother's husband~~ HER SPOUSE execute
7 joint or separate forms prescribed and furnished by the state registrar
8 reflecting the mother's and ~~the husband's~~ HER SPOUSE'S signatures
9 individually witnessed and attesting that ~~the husband~~ HER SPOUSE is not
10 ~~the father~~ A PARENT of the child, in which case, information about the
11 ~~father shall~~ CHILD'S PARENT MUST be omitted from the certificate; or

12 (III) The mother executes a form prescribed and furnished by the
13 state registrar attesting that the ~~husband is not the father~~ SPOUSE IS NOT
14 THE PARENT and that the putative father is the father, the putative father
15 executes a form prescribed and furnished by the state registrar attesting
16 that he is the father, and the ~~husband~~ SPOUSE executes a form prescribed
17 and furnished by the state registrar attesting that ~~he~~ THE SPOUSE is not the
18 father. Such forms may be joint or individual or a combination thereof,
19 and each signature shall be individually witnessed. In such event, the
20 putative father shall be shown as the father on the certificate.

21 (IV) A court of competent jurisdiction has determined the ~~husband~~
22 SPOUSE is not the presumed father and the putative father executes a form
23 prescribed and furnished by the state registrar ~~which~~ THAT is individually
24 witnessed attesting that he is the father and the mother executes a form
25 prescribed and furnished by the state registrar ~~which~~ THAT is individually
26 witnessed that the putative father is the father. In such event the putative
27 father ~~shall~~ MUST be shown as the father on the birth certificate.

1 **SECTION 50.** In Colorado Revised Statutes, 29-11.8-105,
2 **amend** (6) as follows:

3 **29-11.8-105. Licensing - general provisions.** (6) When a license
4 has been issued to a ~~husband and wife~~ MARRIED SPOUSE, the death of a
5 spouse ~~shall~~ DOES not require the surviving spouse to obtain a new
6 license. All rights and privileges granted under the original license ~~shall~~
7 continue in full force and effect as to the survivor for the balance of the
8 license.

9 **SECTION 51.** In Colorado Revised Statutes, 30-28-101, **amend**
10 (10)(c) introductory portion and (10)(c)(VII) as follows:

11 **30-28-101. Definitions.** As used in this part 1, unless the context
12 otherwise requires:

13 (10) (c) Unless the method of disposition is adopted for the
14 purpose of evading this part 1, the terms "subdivision" and "subdivided
15 land", as defined in ~~paragraph (a) of this subsection (10), shall~~
16 SUBSECTION (10)(a) OF THIS SECTION, DO not apply to any division of
17 land:

18 (VII) Which is created by the acquisition of an interest in land in
19 the name of a ~~husband and wife~~ MARRIED SPOUSES or other persons in
20 joint tenancy or as tenants in common, and any such interest ~~shall be~~ IS
21 deemed for purposes of this subsection (10) as only one interest;

22 **SECTION 52.** In Colorado Revised Statutes, 38-35-118, **amend**
23 (1) as follows:

24 **38-35-118. Homestead, how conveyed - claimant insane.**
25 (1) Except as provided in section 38-41-202 (3), to convey or encumber
26 homesteaded property, ~~the husband and wife~~ MARRIED SPOUSES, if the
27 owner ~~thereof~~ is married, shall execute the conveyance or encumbrance.

1 ~~Such~~ THE conveyance or encumbrance may be by one instrument or
2 separate instruments which may be acknowledged in the manner provided
3 by articles 30 to 44 of this ~~title~~ TITLE 38. A recital in any recorded
4 conveyance or encumbrance of real property of the marital status of the
5 party executing the same or that the property is or is not occupied as a
6 home by the owner ~~thereof~~ or his OR HER family shall be prima facie
7 evidence of the facts. ~~therein stated~~. If the owner of the homesteaded
8 property and a person of the opposite sex, both bearing the same surname,
9 join in the conveyance or encumbrance, ~~thereof~~, the identity of surnames
10 shall be prima facie evidence that such parties are husband and wife for
11 the purposes of this ~~article~~ ARTICLE 35.

12 **SECTION 53.** In Colorado Revised Statutes, 38-36-104, **amend**
13 (1) introductory portion and (1)(b) as follows:

14 **38-36-104. Contents of application.** (1) The application ~~shall~~
15 MUST be in writing and ~~shall~~ MUST be signed and verified by the oath of
16 the applicant or the person acting ~~in~~ ON his OR HER behalf. It ~~shall~~ MUST
17 set forth substantially:

18 (b) Whether the applicant (except in the case of a corporation) is
19 married or not, and if married, the name and residence of the ~~husband or~~
20 ~~wife~~ APPLICANT'S SPOUSE, and the age of the applicant;

21 **SECTION 54.** In Colorado Revised Statutes, **amend** 38-36-134
22 as follows:

23 **38-36-134. Contents of decree - certified copy filed.** (1) Every
24 decree of registration ~~shall~~ MUST bear the year, day, hour, and minute of
25 its entry and ~~shall~~ MUST be signed by one of the judges of the district
26 court. ~~It shall~~ THE DECREE OF REGISTRATION MUST ALSO:

27 (a) State whether the owner is married or unmarried and, if

1 married, the name of the ~~husband or wife~~ OWNER'S SPOUSE;

2 (b) If the owner is under disability, ~~it shall~~ state the nature of the
3 disability, and, if a minor, ~~shall~~ state his OR HER age;

4 (c) ~~It shall~~ Contain a description of the land as finally determined
5 by the court and ~~shall~~ set forth the estate of the owner, and also, in such
6 manner as to show their relative priority, all particular estates, mortgages,
7 easements, liens, attachments, homesteads, and other encumbrances,
8 including rights of ~~husband and wife~~ EACH SPOUSE, if any, to which the
9 land or the owner's estate is subject and ~~shall~~ contain any other matter or
10 information properly to be determined by the court in pursuance of this
11 ~~article. The decree shall~~ ARTICLE 36; AND

12 (d) Be stated in a convenient form for transcription upon the
13 certificate of title, to be made as provided in section 38-36-139 by the
14 registrar of titles.

15 (2) Immediately upon the filing of the decree of registration, the
16 clerk shall file a certified copy ~~thereof~~ in the office of the registrar of
17 titles.

18 **SECTION 55.** In Colorado Revised Statutes, **amend** 38-36-139
19 as follows:

20 **38-36-139. Contents and form of certificate of registration.**

21 (1) The certificate of registration ~~shall~~ MUST contain the name of the
22 owner, a description of the land and of the estate of the owner, and ~~shall~~
23 MUST by memorial or notation contain a description of all encumbrances,
24 liens, and interest to which the estate of the owner is subject. ~~It shall~~ THE
25 CERTIFICATE OF REGISTRATION MUST ALSO:

26 (a) State the residence of the owner and, if a minor, give his OR
27 HER age;

1 (b) If THE OWNER IS under disability, ~~it shall~~ state the nature of the
2 disability;

3 (c) ~~it shall~~ State whether married or not, and, if married, the name
4 of the ~~husband or wife~~ OWNER'S SPOUSE;

5 (d) In case of a trust, condition, or limitation, ~~it shall~~ state the
6 trust, condition, or limitation, as the case may be;

7 (e) ~~It shall~~ Contain and conform in respect to all statements in the
8 certified copy of the decree of registration filed with the registrar of titles
9 as provided in section 38-36-134; and

10 (f) ~~shall~~ Be in a form substantially as follows:

11 FIRST CERTIFICATE OF TITLE.

12 Pursuant to order of district court of county.

13 STATE OF COLORADO)

14) ss.

15 County of

16 This is to certify that A B of, county of
17, state of is now the owner of an estate (describe the
18 estate) of, and in (describe the land), subject to the encumbrances, liens,
19 and interests noted by the memorial underwritten or endorsed thereon,
20 subject to the exceptions and qualifications mentioned in section
21 38-36-133. (Here note all statements provided herein to appear upon the
22 certificate.)

23 In witness whereof, I have hereunto set my hand and affixed the
24 official seal of my office this day of, A.D. 20.... .

25 (Seal)
26

27 Registrar of Titles.

1 **SECTION 56.** In Colorado Revised Statutes, **amend** 38-36-157
2 as follows:

3 **38-36-157. Registered land subject to same laws as**
4 **unregistered land.** Registered land and ownership ~~therein shall~~ MUST in
5 all respects be subject to the same burdens and incidents which attach by
6 law to unregistered land. Nothing in this ~~article shall~~ ARTICLE 36 in any
7 way ~~be construed to relieve~~ RELIEVES registered land or the owners
8 ~~thereof~~ from any rights incident to the relation of ~~husband and wife~~
9 MARRIED SPOUSES, or from liability to attachment on mesne process, or
10 levy on execution, or from liability of any lien of any description
11 established by law on land and the improvements thereon, or the interest
12 of the owner in ~~such~~ THE land or improvements, or to change the laws of
13 descent, or the rights of partition between cotenants, or the right to take
14 the same by eminent domain, or to relieve ~~such~~ THE land from liability to
15 be recovered by an assignee in insolvency or trustee in bankruptcy under
16 the provisions of law relating thereto, or to change or affect in any way
17 any other rights or liabilities created by law and applicable to unregistered
18 land, except as otherwise expressly provided in this ~~article~~ ARTICLE 36.

19 **SECTION 57.** In Colorado Revised Statutes, **amend** 38-41-208
20 as follows:

21 **38-41-208. Survival of exemption.** (1) If the property qualifies
22 as a homestead for a joint tenant who is the ~~husband or wife~~ SPOUSE of
23 the other joint tenant or one of the other joint tenants, then, upon the
24 death of either spouse, the homestead ~~shall continue~~ CONTINUES in effect
25 on the interest in ~~such~~ THE property of the surviving spouse. If the
26 property qualifies as a homestead for a joint tenant who is the parent of
27 one or more of the other joint tenants who are minors, then, upon the

1 death of such parent leaving no spouse surviving, the homestead ~~shall~~
2 ~~continue~~ CONTINUES in effect on the interest in ~~such~~ THE property of the
3 surviving minor children.

4 (2) If the property qualifies as a homestead for a joint tenant who
5 is not related to any other joint tenant as ~~husband or wife~~ A SPOUSE or
6 parent and minor child, then, upon the death of ~~such~~ THE joint tenant, his
7 OR HER homestead ~~shall cease and terminate~~ CEASES AND TERMINATES,
8 and THE SURVIVING TENANTS SHALL HOLD the property ~~shall be held by~~
9 ~~the surviving tenants~~ free of any homestead interest of ~~such~~ THE decedent,
10 his OR HER spouse, or his OR HER minor children.

11 **SECTION 58.** In Colorado Revised Statutes, 39-29-114, **amend**
12 (3) as follows:

13 **39-29-114. Component members of a controlled group treated**
14 **as one taxpayer - definition.** (3) In the case of individuals who are
15 members of the same family, the exemptions allowed under this ~~article~~
16 ~~shall~~ ARTICLE 29 MUST be allocated among ~~such~~ THE individuals in
17 proportion to their respective quantities of production from the property
18 of ~~such~~ THE individuals. For the purposes of this ~~article~~ ARTICLE 29, the
19 family of an individual ~~shall be deemed to include~~ INCLUDES only his OR
20 HER spouse and children.

21 **SECTION 59.** In Colorado Revised Statutes, **amend** 40-33-101
22 as follows:

23 **40-33-101. Damages for injury of employee.** Every common
24 carrier by railroad in the state of Colorado ~~shall be~~ IS liable in damages
25 to any person suffering injury while he OR SHE is employed by ~~such~~ THE
26 carrier in or about the transporting or handling of any freight, property,
27 passengers, engine, locomotive, or other vehicle upon the tracks of ~~such~~

1 THE carrier, or in case of the death of ~~such~~ THE employee, to his OR HER
2 personal representative for the benefit of the surviving ~~widow, or husband~~
3 SPOUSE, children, parents, or dependents of ~~such~~ THE employee, for such
4 injury or death resulting in whole or in part from the negligence of any of
5 the officers, agents, or employees of ~~such~~ THE employer, or by reason of
6 any defect or insufficiency due to the employer's negligence.

7 **SECTION 60.** In Colorado Revised Statutes, **amend** 40-33-108
8 as follows:

9 **40-33-108. Right of action survives.** Any right of action given
10 by this ~~article~~ ARTICLE 33, to a person suffering injury ~~shall survive~~
11 SURVIVES to his OR HER personal representative, for the benefit of the
12 surviving ~~widow or husband~~ SPOUSE and children of ~~such~~ THE employee;
13 and, if none, then of ~~such~~ THE employee's parents; and, if none, then of
14 the next of kin dependent upon ~~such~~ THE employee, but in such cases
15 there ~~shall~~ MUST be only one recovery for the same injury.

16 **SECTION 61. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2018 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.