

## CHAPTER 103

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**COURTS**

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**HOUSE BILL 03-1027**

BY REPRESENTATIVE(S) Harvey, Jahn, Lee, May M., Spence, Stengel, and Williams T.;  
also SENATOR(S) Hillman and Andrews.

**AN ACT****CONCERNING INTERLOCUTORY APPELLATE REVIEW OF CLASS CERTIFICATION ORDERS IN CLASS ACTION LAWSUITS.**

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

**SECTION 1.** Article 20 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 9  
CLASS ACTIONS**

**13-20-901. Class actions - appellate review.** (1) A COURT OF APPEALS MAY, IN ITS DISCRETION, PERMIT AN INTERLOCUTORY APPEAL OF A DISTRICT COURT'S ORDER THAT GRANTS OR DENIES CLASS ACTION CERTIFICATION UNDER COURT RULE SO LONG AS APPLICATION IS MADE TO THE COURT OF APPEALS WITHIN TEN DAYS AFTER ENTRY OF THE DISTRICT COURT'S ORDER.

(2) AN APPEAL THAT IS ALLOWED UNDER SUBSECTION (1) OF THIS SECTION SHALL NOT STAY PROCEEDINGS IN THE DISTRICT COURT UNLESS THE DISTRICT COURT OR THE COURT OF APPEALS SO ORDERS. IF A STAY IS ORDERED, ALL DISCOVERY AND OTHER PROCEEDINGS SHALL BE STAYED DURING THE PENDENCY OF AN APPEAL TAKEN PURSUANT TO THIS SECTION UNLESS THE COURT ORDERING THE STAY FINDS UPON THE MOTION OF ANY PARTY THAT SPECIFIC DISCOVERY IS NECESSARY TO PRESERVE EVIDENCE OR TO PREVENT UNDUE PREJUDICE TO SUCH PARTY.

**SECTION 2. Effective date - applicability.** This act shall take effect July 1, 2003, and shall apply to civil actions filed on or after said date.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 7, 2003