

## CHAPTER 83

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**COURTS**


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**SENATE BILL 07-129**

BY SENATOR(S) Groff;  
also REPRESENTATIVE(S) Carroll T., Carroll M., Casso, Cerbo, Labuda, Levy, Madden, McGihon, Merrifield, and Pommer.

**AN ACT**

**CONCERNING ADJUSTMENTS TO DAMAGES LIMITATION STATUTES TO REFLECT THE EFFECTS OF INFLATION, AND, IN CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT.**

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

**SECTION 1. Legislative declaration.** (1) The general assembly finds that by utilizing the statistical measuring tool known as the "consumer price index for Denver-Boulder, all items, all urban consumers" published by the United States Department of Labor, Bureau of Labor Statistics, an accurate estimate of the current purchasing power of the dollar, compared to prior years, can be obtained.

(2) The general assembly further finds that:

(a) Since the enactment of certain limitations on damages in 1986, the purchasing power of the dollar has decreased approximately thirty-two percent;

(b) Since the enactment of certain other limitations on damages in 1989, the purchasing power of the dollar has decreased approximately twenty-seven percent.

(3) The general assembly further finds that those injured persons or survivors of deceased injured persons whose damages are found to justify an award from a jury or the court in excess of the present limitations are those who are most severely injured or damaged.

(4) The general assembly further finds that by passage of this act the venerable American tradition of just compensation for injuries and damages will be strengthened because the original legislative intent will be restored.

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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.*

(5) The general assembly determines that, pursuant to section 5 of this act, it is appropriate for the legislative service agencies to conduct a post-enactment review of this act two years after its enactment in accordance with section 2-2-1201, Colorado Revised Statutes, and report their findings relating to the implementation of this act to the general assembly.

**SECTION 2.** 12-47-801 (5) (a) and (5) (c), Colorado Revised Statutes, are amended to read:

**12-47-801. Civil liability - legislative declaration.** (5) (a) The limitations on damages set forth in paragraph (c) of subsection (3) and paragraph (c) of subsection (4) of this section shall be adjusted for inflation as of January 1, 1998, AND JANUARY 1, 2008. The ~~adjustment~~ ADJUSTMENTS made on January 1, 1998, AND JANUARY 1, 2008, shall be based on the cumulative annual adjustment for inflation for each year since the effective date of the damages limitations ~~of~~ IN paragraph (c) of subsection (3) and paragraph (c) of subsection (4) of this section. The ~~adjustment~~ ADJUSTMENTS made pursuant to this paragraph (a) shall be rounded upward or downward to the nearest ten-dollar increment.

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

(I) THE adjusted limitation on damages AS OF JANUARY 1, 1998, shall be the limitation applicable to all claims for relief that accrue on or after January 1, 1998, AND BEFORE JANUARY 1, 2008; AND

(II) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1, 2008, SHALL BE THE LIMITATION APPLICABLE TO ALL CLAIMS FOR RELIEF THAT ACCRUE ON AND AFTER JANUARY 1, 2008.

**SECTION 3.** 13-21-102.5 (3) (c) (I) and (3) (c) (III), Colorado Revised Statutes, are amended to read:

**13-21-102.5. Limitations on damages for noneconomic loss or injury.** (3) (c) (I) The limitations on damages set forth in paragraphs (a) and (b) of this subsection (3) shall be adjusted for inflation as of January 1, 1998, AND JANUARY 1, 2008. The ~~adjustment~~ ADJUSTMENTS made on January 1, 1998, AND JANUARY 1, 2008, shall be based on the cumulative annual adjustment for inflation for each year since the effective date of the damages limitations in paragraphs (a) and (b) of this subsection (3). The ~~adjustment~~ ADJUSTMENTS made pursuant to this subparagraph (I) shall be rounded upward or downward to the nearest ten-dollar increment.

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

(A) THE adjusted limitation on damages shall be the limitation applicable to all claims for relief that accrue on or after January 1, 1998, and BEFORE January 1, 2008; AND

(B) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1, 2008, SHALL BE

THE LIMITATION APPLICABLE TO ALL CLAIMS FOR RELIEF THAT ACCRUE ON AND AFTER JANUARY 1, 2008.

**SECTION 4.** 13-21-203.7 (1) and (3), Colorado Revised Statutes, are amended to read:

**13-21-203.7. Adjustments of dollar limitations for effects of inflation.**

(1) The limitations on noneconomic damages set forth in section 13-21-203 (1) (a) and the amount of the solatium set forth in section 13-21-203.5 shall be adjusted for inflation as of January 1, 1998, AND JANUARY 1, 2008. The ~~adjustment~~ ADJUSTMENTS made on January 1, 1998, AND JANUARY 1, 2008, shall be based on the cumulative annual adjustment for inflation for each year since the effective date of the damages limitations in sections 13-21-203 (1) (a) and 13-21-203.5. The ~~adjustment~~ ADJUSTMENTS made pursuant to this subsection (1) shall be rounded upward or downward to the nearest ten-dollar increment.

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

(a) THE adjusted limitation on damages shall be the limitation applicable to all claims for relief that accrue on or after January 1, 1998, AND BEFORE JANUARY 1, 2008; AND

(b) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1, 2008, SHALL BE THE LIMITATION APPLICABLE TO ALL CLAIMS FOR RELIEF THAT ACCRUE ON AND AFTER JANUARY 1, 2008.

**SECTION 5. Accountability.** Two years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado General Assembly shall conduct a post-enactment review of the implementation of this act utilizing the information contained in the legislative declaration set forth in section 1 of this act.

**SECTION 6. Effective date - applicability.** This act shall take effect July 1, 2007, and shall apply to claims for relief arising on or after January 1, 2008.

**SECTION 7. 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 2, 2007