

## CHAPTER 208

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**COURTS**


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**HOUSE BILL 14-1347**

BY REPRESENTATIVE(S) Court, Kagan, Ryden, Scott;  
also SENATOR(S) Newell.

**AN ACT****CONCERNING STATUTORILY ESTABLISHED TIME PERIODS THAT ARE MULTIPLES OF SEVEN DAYS.**

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

**SECTION 1.** In Colorado Revised Statutes, 8-43-301, **amend** (10) and (11) as follows:

**8-43-301. Petitions to review.** (10) The panel's order ~~shall~~ **MUST** be mailed to all parties of record. Any party dissatisfied with the panel's order ~~shall have twenty~~ **HAS TWENTY-ONE** days after the date of the certificate of mailing of such order to commence an action for judicial review in the court of appeals.

(11) If the panel has failed to enter its order within sixty days of the receipt of the certified record, the order of the director or administrative law judge ~~shall be~~ **IS** deemed the order of the panel and final unless, within ~~thirty~~ **THIRTY-FIVE** days after the end of the sixty-day period, the petitioner commences an action for judicial review in the court of appeals. If the panel has not acted on the sixtieth day, the industrial claim appeals office shall send a written notice to all parties stating that the parties have ~~thirty~~ **THIRTY-FIVE** days after the date of the certificate of mailing of the notice to commence such an action.

**SECTION 2.** In Colorado Revised Statutes, 13-20-901, **amend** (1) as follows:

**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~~ **FOURTEEN** days after entry of the district court's order.

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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.** In Colorado Revised Statutes, 14-13-305, **amend** (4) introductory portion as follows:

**14-13-305. Registration of child-custody determination.** (4) A person seeking to contest the validity of a registered order must request a hearing within ~~twenty~~ TWENTY-ONE days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

**SECTION 4.** In Colorado Revised Statutes, 38-7-102, **amend** (1), (3), and (5) as follows:

**38-7-102. Motion for vesting - procedure with respect thereto.** (1) The court shall set a date, not less than ~~twenty~~ TWENTY-ONE days after the filing of such motion, for the hearing thereon, and the court shall require at least ~~ten~~ FOURTEEN days' notice to be given to each party to the proceeding whose interests would be affected by the taking requested. The averments in the motion and the necessity for the vesting of title, or some lesser estate, prior to the final determination of just compensation ~~shall be~~ ARE deemed admitted unless such averments are controverted in a responsive pleading filed at or before the hearing on the motion for vesting.

(3) Failure to raise the issues enumerated in subsection (2) of this section, at or before the hearing on the motion for vesting, ~~shall constitute~~ CONSTITUTES a waiver insofar as the said issues relate to the property described in the motion for vesting. The court's order thereon ~~shall be~~ IS a final order, and an appeal may be obtained for the review thereof by either party within ~~twenty~~ TWENTY-ONE days after the entry of such order, but not thereafter unless the appellate court, on good cause shown, shall, within the ~~twenty-day~~ TWENTY-ONE-DAY period, extend the time for obtaining an appeal. Appellate review shall not stay the other proceedings under this article, unless the appeal was obtained by the petitioner or unless an order staying such further proceedings is entered by the appellate court upon a showing of irreparable injury.

(5) The commissioners, before entering upon the duties of their office, shall take an oath to faithfully and impartially discharge their duties as commissioners. Any one of them may administer oaths to witnesses produced before them. The commissioners shall forthwith view the property, hear such testimony, and consider such evidence as is reasonably necessary to enable them to make a preliminary finding of an amount constituting just compensation for the taking of the property of the respondents named in the motion for vesting. The commissioners shall forthwith make, subscribe, and file with the clerk of the court in which such proceedings are had a certified report meeting the requirements of section 38-1-115. Upon the motion of the petitioner filed within ~~ten~~ FOURTEEN days of receipt of the notice provided for in section 38-7-103 (1), the court shall review the said report of the commissioners, and, upon good cause shown by the petitioner, the court may order a new report by the same or different commissioners, and the said order shall void the report objected to. The new commissioners appointed, if any, and the new report shall be in accordance with the provisions of this article.

**SECTION 5.** In Colorado Revised Statutes, 38-7-103, **amend** (2) and (4) as follows:

**38-7-103. Vesting of title - procedure.** (2) Within ~~ten~~ SEVEN days of receipt of the notice described in subsection (1) of this section, the petitioner shall deposit with the court or the clerk of the court, for the use of the respondent named in the motion for vesting, the sum of money preliminarily found to constitute just compensation by the commissioners. If the petitioner has filed a motion for a new report under section 38-7-102 (5), the deposit shall not be due until ~~ten~~ SEVEN days following the court's ruling on the said motion, if the motion is denied. If the motion is granted by the court, a new notice shall be sent by the clerk upon receipt of the new report.

(4) At the request of any affected party and upon his showing of undue hardship or other good cause, the petitioner's authority to take possession of the property shall be postponed for more than ~~ten~~ FOURTEEN days after the date of such vesting of title or more than ~~fifteen~~ TWENTY-ONE days after the entry of such order when the order does not vest title in the petitioner. If postponement occurs, such party shall pay to the petitioner a reasonable rental for such property, the amount thereof to be determined by the court.

**SECTION 6.** In Colorado Revised Statutes, 38-35-110, **amend** (2) as follows:

**38-35-110. Lis pendens as notice - issuance of certificate - expiration.**

(2) (a) Unless a timely notice of appeal is filed while a notice of lis pendens is in effect or unless the notice of lis pendens has expired and ceased to be notice as provided in subsection (6) of this section, except as provided in sections 38-22-132 and 38-22.5-111, a recorded notice of lis pendens shall remain in effect until the earliest of the following:

(I) The action is dismissed without an order of the court;

(II) ~~Forty-five~~ FORTY-NINE days ~~elapses~~ following the entry of an appealable order determining that certain real property specifically described in such order, or a specifically described interest therein, will not be affected by a judgment on the issues then pending, but the notice of lis pendens shall remain in effect as to all other real property described in such notice; or

(III) ~~Forty-five~~ FORTY-NINE days ~~elapses~~ following the entry of final judgment in the trial court as to all parties and as to some or all of the real property described in the notice of lis pendens, or a specifically described interest therein, but the notice of lis pendens shall remain in effect as to all other property described in such notice.

(b) For the purposes of subparagraphs (II) and (III) of paragraph (a) of this subsection (2), the ~~forty-five-day~~ FORTY-NINE-DAY period shall commence on the first day allowed for the filing of an appeal.

(c) If a timely notice of appeal is filed while a notice of lis pendens is in effect or if the notice of lis pendens is filed after an appeal is filed, such notice of lis pendens shall remain in effect until the earliest of the following:

(I) The notice of lis pendens expires and ceases to be notice as provided in subsection (6) of this section;

(II) The court having jurisdiction over the action enters an order determining that

the notice of lis pendens is no longer in effect;

(III) ~~Thirty~~ THIRTY-FIVE days elapses following the issuance of a mandate by the appellate court; except that, if the mandate issued by the appellate court remands the case to a lower court for further proceedings, the notice of lis pendens shall remain in effect subject to the provisions of paragraph (a) of this subsection (2).

**SECTION 7. Effective date - applicability.** (1) (a) This act takes effect on July 1, 2014, and, except as provided in subsection (2) of this section, applies to:

(I) Time intervals that are counted forward and, under the provisions of this act, commence and end with dates on or after July 1, 2014; and

(II) Time intervals that are counted backwards and under the provisions of this act commence and end with dates after June 30, 2014.

(b) For purposes of this subsection (1), in determining the date that a time interval commences, the first day of the period is counted.

(2) This act does not apply to modify the settings of any dates or time intervals set by an order of a court entered before July 1, 2014.

(3) The general assembly requests the supreme court to provide by rule, order, or other similar guidance examples of various time intervals related to civil and criminal procedures that are counted forward and that are counted backward and to which this act applies and to which this act does not apply pursuant to subsection (1) of this section.

**SECTION 8. 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: May 15, 2014