

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0343.01 Bob Lackner x4350

SENATE BILL 13-023

SENATE SPONSORSHIP

Cadman,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING AN INCREASE IN THE LIMITATION ON THE AMOUNT OF
102 DAMAGES THAT MAY BE RECOVERED BY AN INJURED PARTY
103 UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT".

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://www.leg.state.co.us/billsummaries>.)

Currently, the "Colorado Governmental Immunity Act" (act) sets as a maximum amount that may be recovered by a person suing a public entity or public employee for loss or injury caused by the entity or employee in any single occurrence, whether from one or more public

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.

entities and public employees:

- ! For any injury to one person in any single occurrence, the sum of \$150,000; and
- ! For an injury to 2 or more persons in any single occurrence, the sum of \$600,000, and, in such circumstances, the act prohibits any single person from recovering in excess of \$150,000.

To ensure these limitations on damages reflect the effects of inflation since the specific limitations were last increased by the general assembly, the bill increases the damages limitation for any injury to one person in any single occurrence to \$478,000. For an injury to 2 or more persons in any single occurrence, the bill increases the damages limitation to \$990,000 and further specifies that, in such circumstances, a single person is precluded from recovering in excess of \$478,000.

The bill further provides that the increased damages amounts are:

- ! Exclusive of interest awarded; and
- ! Adjusted for inflation every 4 years. The bill requires the attorney general to make this required adjustment on an every 4-year basis commencing January 1, 2018, to certify the amount of the adjustment, and to publish the amount of the adjustment on the attorney general's web site.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-10-114, **amend**

3 (1) as follows:

4 **24-10-114. Limitations on judgments - recommendation to**
5 **general assembly - authorization of additional payment.** (1) The
6 maximum amount that may be recovered under this article in any single
7 occurrence, whether from one or more public entities and public
8 employees, shall be:

9 (a) For any injury to one person in any single occurrence, the sum
10 of ~~one hundred fifty thousand~~ FOUR HUNDRED SEVENTY-EIGHT THOUSAND
11 dollars;

12 (b) For an injury to two or more persons in any single occurrence,
13 the sum of ~~six hundred thousand~~ NINE HUNDRED NINETY THOUSAND

1 dollars; except that, in such instance, no person may recover in excess of
2 ~~one hundred fifty thousand~~ FOUR HUNDRED SEVENTY-EIGHT THOUSAND
3 dollars.

4 (c) THE AMOUNTS SPECIFIED IN SUBSECTIONS (a) AND (b) OF THIS
5 SUBSECTION (1) SHALL BE:

6 (I) EXCLUSIVE OF INTEREST AWARDED; AND

7 (II) ADJUSTED BY AN AMOUNT REFLECTING THE PERCENTAGE
8 CHANGE OVER A FOUR-YEAR PERIOD IN THE UNITED STATES DEPARTMENT
9 OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR
10 DENVER-BOULDER-GREELEY, ALL ITEMS, ALL URBAN CONSUMERS, OR ITS
11 SUCCESSOR INDEX. ON OR BEFORE JANUARY 1, 2018, AND BY JANUARY 1
12 EVERY FOURTH YEAR THEREAFTER, THE ATTORNEY GENERAL SHALL
13 CALCULATE THE ADJUSTED DOLLAR AMOUNT FOR THE IMMEDIATELY
14 PRECEDING FOUR-YEAR PERIOD AS OF THE DATE OF THE CALCULATION.
15 THE ADJUSTED AMOUNT SHALL BE ROUNDED UPWARD TO THE NEAREST
16 ONE THOUSAND DOLLAR INCREMENT. THE ATTORNEY GENERAL SHALL
17 CERTIFY THE AMOUNT OF THE ADJUSTMENT FOR THE PARTICULAR
18 FOUR-YEAR PERIOD AND SHALL PUBLISH THE AMOUNT OF THE ADJUSTMENT
19 ON THE ATTORNEY GENERAL'S WEB SITE.

20 **SECTION 2. Effective date - applicability.** This act takes effect
21 July 1, 2013, and applies to civil actions filed on or after said date.

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