



Colorado Legislative Council Staff
NO FISCAL IMPACT

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Prime Sponsor(s): Sen. Dyer

Bill Status: Senate Judiciary

Fiscal Analyst: Steve Tammeus (303-866-2756)

TITLE: CONCERNING A CLARIFICATION THAT THE COMMON LAW DOCTRINE OF OPEN AND OBVIOUS DANGER CONTINUES TO APPLY IN ASSESSING LANDOWNER LIABILITY IN ACTIONS BROUGHT UNDER THE PREMISES LIABILITY STATUTE.

Summary of Assessment

This bill clarifies that the common law doctrine of open and obvious danger survived the enactment of the premises of liability statute. The bill specifies that the doctrine continues to apply in assessing landowner liability in actions brought under the premises liability statute. The bill will become effective September 1, 2005, unless a referendum petition is filed.

This bill clarifies the intent of the legislature in statute that the common law doctrine of open and obvious danger is to apply in actions against landowners to assess the landowner liability. The bill will not affect the number of cases filed or the workload of the courts for existing cases. The bill will not affect state or local government revenue or expenditures, and is assessed as having no fiscal impact.

Departments Contacted

Judicial

District Attorneys