



Colorado Legislative Council Staff Fiscal Note

NO FISCAL IMPACT

Drafting Number: LLS 10-0278**Date:** January 20, 2010**Prime Sponsor(s):** Rep. Curry
Sen. Hodge**Bill Status:** House Judiciary**Fiscal Analyst:** Clare Pramuk (303-866-2677)

TITLE: CONCERNING A LIMITATION OF LANDOWNERS' LIABILITY, AND, IN CONNECTION THEREWITH, LIMITING LANDOWNERS' LIABILITY ARISING FROM FACILITIES RELATED TO WATER RIGHTS AND FROM THE USE OF LAND FOR RECREATIONAL PURPOSES.

Summary of Legislation

This bill clarifies the definition of "attractive nuisance" as it relates to a landowner's liability for injury of a trespasser. The clarification excludes facilities constructed for the diversion, storage, conveyance, or use of water from the definition. The definition of "recreational purpose" is expanded to include certain water sports, exercising, nature study, and viewing or visiting historical, archeological, scenic, or scientific sites. A landowner is not responsible for injury or damage that occurs on his or her property during recreational use unless the landowner willfully or deliberately causes the injury or damage. The bill is effective upon signature of the Governor, or upon becoming law without his signature.

Assessment

This bill is assessed at no fiscal impact. The changes to the definitions of attractive nuisance and recreational purpose may affect future litigation but are not expected to have a measurable impact on the workload of the courts. Exempting a landowner from liability unless the landowner acted willfully or deliberately, is expected to reduce filings. Since the number of cases in this area is already moderate, any change will be minimal and can be addressed with existing resources.

Departments Contacted

Judicial

Natural Resources