

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 9, 2011
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB11-107 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 3, strike "amended" and substitute
2 "amended, and the said 13-21-102.5 is further amended BY THE
3 ADDITION OF A NEW SUBSECTION,".

4 Page 3, line 1, after "case" insert "EXCEPT FOR ACTIONS CONCERNING
5 DAMAGES RESULTING FROM ALCOHOL-RELATED OR DRUG-RELATED
6 DRIVING INCIDENTS".

7 Page 3, after line 11 insert:

8 "(7) NOTWITHSTANDING THE PROVISIONS OF SECTION 42-4-1713,
9 C.R.S., A RECORD OF THE CONVICTION OF ANY PERSON, INCLUDING A
10 PLEA OF GUILTY OR NOLO CONTENDERE, FOR ANY ALCOHOL-RELATED OR
11 DRUG-RELATED TRAFFIC VIOLATION DESCRIBED IN PART 13 OF ARTICLE 4
12 OF TITLE 42, C.R.S., SHALL BE ADMISSIBLE IN ANY COURT IN ANY CIVIL
13 ACTION SEEKING NONECONOMIC DAMAGES CAUSED BY AN
14 ALCOHOL-RELATED OR DRUG-RELATED DRIVING INCIDENT AS PRIMA FACIE
15 EVIDENCE THAT THE DRIVER WAS DRIVING UNDER THE INFLUENCE OF
16 ALCOHOL OR DRUGS OR DRIVING WHILE HIS OR HER ABILITY WAS
17 IMPAIRED BY ALCOHOL OR DRUGS.

18 **SECTION 2.** 13-21-102.5 (3), Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

20 **13-21-102.5. Limitations on damages for noneconomic loss or**
21 **injury.** (3) (d) NOTWITHSTANDING ANY PROVISION OF ARTICLE 10 OF

1 TITLE 24, C.R.S., TO THE CONTRARY, THE EXCEPTIONS TO THE
2 LIMITATIONS ON DAMAGES FOR NONECONOMIC LOSS OR INJURY
3 DESCRIBED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3), WHICH
4 EXCEPTIONS CONCERN DAMAGES RESULTING FROM ALCOHOL-RELATED OR
5 DRUG-RELATED DRIVING INCIDENTS, SHALL APPLY REGARDLESS OF
6 WHETHER THE PERSON WHO CAUSED A LOSS OR INJURY TO ANOTHER
7 PERSON WHILE DRIVING UNDER THE INFLUENCE OF ALCOHOL OR ONE OR
8 MORE DRUGS IS A PUBLIC EMPLOYEE, AS DEFINED IN SECTION 24-10-103
9 (4), C.R.S.".

10 Renumber succeeding bill sections accordingly.

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