

Colorado Legislative Council Staff Fiscal Note
NO FISCAL IMPACT

Drafting Number: LLS 11-0367

Date: January 20, 2011

Prime Sponsor(s): Sen. Brophy
Rep. Kerr A.

Bill Status: Senate Judiciary

Fiscal Analyst: Alex Schatz (303-866-4375)

TITLE: CONCERNING THE LIMITATION OF CIVIL LIABILITY FOR INJURIES RESULTING FROM THE INHERENT RISKS OF MOUNTAIN BICYCLING.

Summary of Legislation

The bill defines mountain bicycling, mountain bicycling areas, the inherent risks of mountain bicycling, and related terms. The bill limits civil actions brought by riders against mountain bicycling area operators, mountain bicycling instructors, bicycle providers, and mountain bicycling event organizers. The bill exempts civil claims where the mountain bicycling area operator, instructor, provider, or event organizer has:

- knowingly provided a faulty bicycle, and the bicycle's faults caused injury;
- acted, or failed to act, with wanton or willful disregard for the safety of the rider; and
- intentionally harmed a rider.

The bill specifies that riders may sue and be sued by other riders.

The bill states an effective date of May 1, 2011. If the Governor has not signed this legislation by May 1, 2011, the bill's provisions will become effective upon signature of the Governor, or upon becoming law without his signature.

Assessment

The bill is assessed as having no fiscal impact. To the extent that state agencies or state property are involved in mountain bicycling activities, the Colorado Governmental Immunity Act already limits governmental liability. The bill may further preclude civil actions against the state, but, based on responses received from state agencies, the state's current level of legal work related to claims by riders is already minimal. Mountain bicycling area operators, instructors, providers, and event organizers, as well as riders, are predominantly private parties. While a number of civil actions between private parties may be precluded by the bill, the effect on the number of civil filings in the state's judicial system will be minimal.

Departments Contacted

Judicial

Law

Natural Resources