

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0830.01 Richard Sweetman

SENATE BILL 11-249

SENATE SPONSORSHIP

Tochtrop, Harvey, Mitchell

HOUSE SPONSORSHIP

Gardner B., Barker, Tyler

Senate Committees
State, Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE STATUTORY TIME LIMIT FOR COMMENCING CERTAIN**
102 **CIVIL ACTIONS.**

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>.)

The bill requires all actions to recover a debt for services rendered, money lent, money paid, money had and received, goods sold and delivered, or open or book account or account stated to be commenced within 6 years after the cause of action accrues.

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.

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

2 **SECTION 1.** 13-80-103.5 (1) (a), Colorado Revised Statutes, is
3 amended, and the said 13-80-103.5 is further amended BY THE
4 ADDITION OF A NEW SUBSECTION, to read:

5 **13-80-103.5. General limitation of actions - six years.** (1) The
6 following actions shall be commenced within six years after the cause of
7 action accrues and not thereafter:

8 (a) All actions to recover a liquidated debt or an unliquidated,
9 determinable amount of money due to the person bringing the action,
10 INCLUDING ALL ACTIONS TO RECOVER A DEBT FOR SERVICES RENDERED,
11 MONEY LENT, MONEY PAID, MONEY HAD AND RECEIVED, GOODS SOLD AND
12 DELIVERED, OPEN OR BOOK ACCOUNT OR ACCOUNT STATED; all actions for
13 the enforcement of rights set forth in any instrument securing the payment
14 of or evidencing any debt; and all actions of replevin to recover the
15 possession of personal property encumbered under any instrument
16 securing any debt; except that actions to recover pursuant to section
17 38-35-124.5 (3), C.R.S., shall be commenced within one year;

18 (2) IF AN ACTION IS BROUGHT TO DISPUTE OR CHALLENGE THE
19 REASONABLENESS OF ANY AMOUNT SOUGHT PURSUANT TO PARAGRAPH (a)
20 OF SUBSECTION (1) OF THIS SECTION, SUCH ACTION SHALL NOT RENDER
21 THE AMOUNT SOUGHT UNLIQUIDATED OR UNDETERMINABLE FOR THE
22 PURPOSES OF SAID PARAGRAPH (a).

23 **SECTION 2. Act subject to petition - effective date.** This act
24 shall take effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part shall not take effect
4 unless approved by the people at the general election to be held in
5 November 2012 and shall take effect on the date of the official
6 declaration of the vote thereon by the governor.