

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

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 13-0343.01 Bob Lackner x4350

**SENATE BILL 13-023**

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**SENATE SPONSORSHIP**

**Cadman and Morse,**

**HOUSE SPONSORSHIP**

**Levy and Gardner,**

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**Senate Committees**  
Judiciary

**House Committees**  
Judiciary

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**A BILL FOR AN ACT**

101     **CONCERNING AN INCREASE IN THE LIMITATION ON THE AMOUNT OF**  
102             **DAMAGES THAT MAY BE RECOVERED BY AN INJURED PARTY**  
103             **UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT".**

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**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>.)*

Currently, the "Colorado Governmental Immunity Act" (act) sets as a maximum amount that may be recovered by a person suing a public entity or public employee for loss or injury caused by the entity or employee in any single occurrence, whether from one or more public

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.*

HOUSE  
2nd Reading Unamended  
March 22, 2013

SENATE  
3rd Reading Unamended  
March 11, 2013

SENATE  
Amended 2nd Reading  
March 5, 2013

entities and public employees:

- ! For any injury to one person in any single occurrence, the sum of \$150,000; and
- ! For an injury to 2 or more persons in any single occurrence, the sum of \$600,000, and, in such circumstances, the act prohibits any single person from recovering in excess of \$150,000.

To ensure these limitations on damages reflect the effects of inflation since the specific limitations were last increased by the general assembly, the bill increases the damages limitation for any injury to one person in any single occurrence to \$478,000. For an injury to 2 or more persons in any single occurrence, the bill increases the damages limitation to \$990,000 and further specifies that, in such circumstances, a single person is precluded from recovering in excess of \$478,000.

The bill further provides that the increased damages amounts are:

- ! Exclusive of interest awarded; and
- ! Adjusted for inflation every 4 years. The bill requires the attorney general to make this required adjustment on an every 4-year basis commencing January 1, 2018, to certify the amount of the adjustment, and to publish the amount of the adjustment on the attorney general's web site.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-10-114, **amend**  
3 (1) as follows:

4 **24-10-114. Limitations on judgments - recommendation to**  
5 **general assembly - authorization of additional payment.** (1) The  
6 maximum amount that may be recovered under this article in any single  
7 occurrence, whether from one or more public entities and public  
8 employees, shall be:

9 (a) For any injury to one person in any single occurrence, the sum  
10 of ~~one hundred fifty thousand~~ THREE HUNDRED FIFTY THOUSAND dollars;

11 (b) For an injury to two or more persons in any single occurrence,  
12 the sum of ~~six hundred thousand~~ NINE HUNDRED NINETY THOUSAND  
13 dollars; except that, in such instance, no person may recover in excess of

1     ~~one hundred fifty thousand~~ THREE HUNDRED FIFTY THOUSAND dollars.  
2           (c) THE AMOUNTS SPECIFIED IN SUBSECTIONS (a) AND (b) OF THIS  
3     SUBSECTION (1) SHALL BE ADJUSTED BY AN AMOUNT REFLECTING THE  
4     PERCENTAGE CHANGE OVER A FOUR-YEAR PERIOD IN THE UNITED STATES  
5     DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE  
6     INDEX FOR DENVER-BOULDER-GREELEY, ALL ITEMS, ALL URBAN  
7     CONSUMERS, OR ITS SUCCESSOR INDEX. ON OR BEFORE JANUARY 1, 2018,  
8     AND BY JANUARY 1 EVERY FOURTH YEAR THEREAFTER, THE SECRETARY  
9     OF STATE SHALL CALCULATE THE ADJUSTED DOLLAR AMOUNT FOR THE  
10    IMMEDIATELY PRECEDING FOUR-YEAR PERIOD AS OF THE DATE OF THE  
11    CALCULATION. THE ADJUSTED AMOUNT SHALL BE ROUNDED UPWARD TO  
12    THE NEAREST ONE THOUSAND DOLLAR INCREMENT. THE SECRETARY OF  
13    STATE SHALL CERTIFY THE AMOUNT OF THE ADJUSTMENT FOR THE  
14    PARTICULAR FOUR-YEAR PERIOD AND SHALL PUBLISH THE AMOUNT OF THE  
15    ADJUSTMENT ON THE SECRETARY OF STATE'S WEB SITE.

16           **SECTION 2. Effective date - applicability.** This act takes effect  
17    July 1, 2013, and applies to injuries occurring on or after said date.

18           **SECTION 3. Safety clause.** The general assembly hereby finds,  
19    determines, and declares that this act is necessary for the immediate  
20    preservation of the public peace, health, and safety.