

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0931.01 Jerry Barry x4341

HOUSE BILL 15-1272

HOUSE SPONSORSHIP

Esgar,

SENATE SPONSORSHIP

Holbert,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A PROHIBITION ON THE USE OF THE DOCTRINE OF LACHES
102 TO BAR A CLAIM TIMELY FILED UNDER THE STATUTE OF
103 LIMITATIONS.

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 general assembly has enacted statutes of limitations within which the filing of civil actions or claims are considered timely filed. Courts have applied the doctrine of laches to bar a civil action or claim as untimely even though it was timely filed within the applicable statute of limitations. The bill specifies that a court may not apply the doctrine of

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.

laches to bar a claim that is timely filed within the applicable statute of limitation.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-80-120 as
3 follows:

4 **13-80-120. Laches not a bar.** UNLESS OTHERWISE EXPRESSLY
5 AUTHORIZED PURSUANT TO ANOTHER STATUTE, A COURT SHALL NOT
6 APPLY THE DOCTRINE OF LACHES TO BAR A CIVIL ACTION OR CLAIM THAT
7 IS FILED WITHIN THE TIME LIMIT GOVERNING THE ACTION OR CLAIM.

8 **SECTION 2. Effective date - applicability.** This act takes effect
9 upon passage and applies to civil actions or claims filed on or after said
10 date.

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