

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0300.01 Conrad Imel x2313

SENATE BILL 21-061

SENATE SPONSORSHIP

Story,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING CLAIMS FOR PRE-MAJORITY ECONOMIC LOSS INCURRED
102 BY A MINOR.

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://leg.colorado.gov>.)

Colorado courts follow the common law rule that, generally, only a parent or guardian has the right to claim pre-majority economic damages of a minor for which another person is liable. The bill abolishes the common law rule and permits a minor to bring a claim to recover damages for the minor's pre-majority economic loss. A minor or a parent may not be awarded damages for any economic loss that have been

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 ATTAINING THE AGE OF EIGHTEEN YEARS AND INCLUDES MEDICAL
2 EXPENSES PAID BY, OR ON BEHALF OF, THE MINOR.

3 (3) (a) A MINOR MAY BRING A CLAIM AGAINST A PERSON
4 RESPONSIBLE FOR THE MINOR'S INJURIES TO RECOVER DAMAGES FOR ANY
5 PRE-MAJORITY ECONOMIC LOSS SUFFERED BY THE MINOR.

6 (b) (I) A MINOR MAY NOT BE AWARDED DAMAGES FOR ANY
7 PRE-MAJORITY ECONOMIC LOSS THAT HAS BEEN AWARDED TO THE MINOR'S
8 PARENT OR GUARDIAN, OR ANY OTHER PERSON.

9 (II) A MINOR'S PARENT OR GUARDIAN OR ANY OTHER PERSON MAY
10 NOT BE AWARDED DAMAGES FOR ANY PRE-MAJORITY ECONOMIC LOSS
11 AWARDED TO THE MINOR.

12 (4) THIS SECTION APPLIES TO CLAIMS ACCRUING ON OR AFTER THE
13 EFFECTIVE DATE OF THIS SECTION AND TO CLAIMS THAT ACCRUED BEFORE
14 THE EFFECTIVE DATE OF THIS SECTION, UNLESS EACH CLAIM AGAINST THE
15 DEFENDANT TO RECOVER FOR THE PRE-MAJORITY ECONOMIC LOSS IS
16 BARRED BY THE APPLICABLE STATUTE OF LIMITATIONS PRIOR TO THE
17 EFFECTIVE DATE OF THIS SECTION.

18 **SECTION 2.** In Colorado Revised Statutes, 13-80-102.5, **amend**
19 (3)(d) as follows:

20 **13-80-102.5. Limitation of actions - medical or health care.**

21 (3) The limitation of actions provided in subsection (1) of this section
22 does not apply under the following circumstances:

23 (d) If the action is brought by or on behalf of:

24 (I) A minor under eight years of age who was under six years of
25 age on the date of the occurrence of the act or omission for which the
26 action is brought, in which case the action may be maintained at any time
27 prior to his attaining eight years of age; ~~or~~

1 (II) A person otherwise under disability as defined in section
2 13-81-101, in which case the action may be maintained within the time
3 period as provided in section 13-81-103; OR

4 (III) (A) A PERSON ENTITLED OR REQUIRED TO BRING A CLAIM TO
5 RECOVER DAMAGES FOR ECONOMIC LOSS INCURRED BY A MINOR PRIOR TO
6 THE MINOR REACHING THE AGE OF MAJORITY, IN WHICH CASE THE ACTION
7 MAY BE MAINTAINED AS IF IT IS BROUGHT BY THE MINOR.

8 (B) THIS SUBSECTION (3)(d)(III) APPLIES TO CLAIMS ACCRUING ON
9 OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3)(d)(III) AND TO
10 CLAIMS THAT ACCRUED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION
11 (3)(d)(III), UNLESS EACH CLAIM AGAINST THE DEFENDANT TO RECOVER
12 FOR THE PRE-MAJORITY ECONOMIC LOSS IS BARRED BY THE APPLICABLE
13 STATUTE OF LIMITATIONS PRIOR TO THE EFFECTIVE DATE OF THIS
14 SUBSECTION (3)(d)(III).

15 **SECTION 3. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2022 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.