# 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**

#### **House Committees**

Judiciary

101

### A BILL FOR AN ACT

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 <a href="http://leg.colorado.gov">http://leg.colorado.gov</a>.)

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

awarded to another person.

Under existing law, the statute of limitations for civil claims against health care institutions and health care professionals is 2 years, with certain exceptions. The exceptions to the 2-year limitation include claims brought by or on behalf of a minor who is under 8 years old and claims brought by or on behalf of a person under disability. The bill makes any exemption to the 2-year limitation that would apply to a minor's claim also apply to a claim brought by a person entitled or required to bring a claim to recover damages for a minor's pre-majority economic loss.

1 *Be it enacted by the General Assembly of the State of Colorado:* 2 **SECTION 1.** In Colorado Revised Statutes, **add** part 12 to article 3 20 of title 13 as follows: 4 **PART 12** 5 **ACTIONS BY MINORS** 6 13-20-1201. Actions by minors for pre-majority economic 7 damages - retroactive effect - legislative intent - definitions. (1) THE 8 GENERAL ASSEMBLY INTENDS THAT THIS SECTION BE INTERPRETED SO 9 THAT: 10 (a) ANY COMMON LAW RULE PERMITTING ONLY A MINOR'S PARENT 11 OR GUARDIAN TO RECOVER FOR A MINOR'S PRE-MAJORITY ECONOMIC LOSS 12 IS ABOLISHED; AND 13 (b) ALLOWING A MINOR TO RECOVER DAMAGES FOR THE MINOR'S 14 PRE-MAJORITY ECONOMIC LOSS DOES NOT PERMIT MORE THAN ONE PERSON 15 TO RECOVER FOR THE SAME ECONOMIC LOSS. 16 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE 17 **REQUIRES:** 18 (a) "MINOR" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE. (b) "Pre-majority economic loss" means economic loss 19 20 INCURRED OR THAT WILL BE INCURRED BY A MINOR PRIOR TO THE MINOR

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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

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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.

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