

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE DeGraaf

1 Amend printed bill, page 5, after line 14, insert:

2 "In Colorado Revised Statutes, **add** 24-30-106 as follows:

3 **SECTION 2. Liability of state - mandated equipment**

4 (1) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
5 CONTRARY, IF A STATE AGENCY REQUIRES, DIRECTS, OR APPROVES THE
6 INSTALLATION OF EQUIPMENT, DEVICES, OR INFRASTRUCTURE PURSUANT
7 TO THIS PART, THE STATE SHALL ASSUME LIABILITY FOR ANY CLAIM FOR
8 DAMAGES ARISING FROM THE DESIGN, OPERATION, OR FAILURE OF THAT
9 EQUIPMENT, DEVICE, OR INFRASTRUCTURE.

10 (2) A PROPERTY OWNER, TENANT, OR PRIVATE ENTITY ON WHOSE
11 PROPERTY SUCH EQUIPMENT OR INFRASTRUCTURE IS INSTALLED IS NOT
12 CIVILLY LIABLE FOR DAMAGES ARISING FROM THE INSTALLATION,
13 MAINTENANCE, OR OPERATION OF THE EQUIPMENT OR INFRASTRUCTURE
14 WHEN THE INSTALLATION IS REQUIRED OR APPROVED BY A STATE AGENCY.

15 (3) NOTHING IN THIS SECTION PRECLUDES LIABILITY FOR DAMAGES
16 RESULTING FROM GROSS NEGLIGENCE, WILLFUL MISCONDUCT, OR
17 INTENTIONAL DAMAGE BY THE PROPERTY OWNER OR PRIVATE ENTITY.

18 (4) CLAIMS ARISING UNDER THIS SECTION ARE SUBJECT TO THE
19 "COLORADO GOVERNMENTAL IMMUNITY ACT," ARTICLE 10 OF TITLE 24."

20 Renumber succeeding sections accordingly.

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