

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 26-0670.01 Shelby Ross x4510

HOUSE BILL 26-1218

HOUSE SPONSORSHIP

Espenoza and Luck, Bradley, Carter,

SENATE SPONSORSHIP

Catlin and Ball,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING CLARIFYING THE VALIDITY OF COMMON LAW MARRIAGE**
102 **BY RESTORING A PREVIOUSLY REPEALED PROVISION.**

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/>.)

Statutory Revision Committee. Senate Bill 25-014, enacted in 2025, repealed a provision of law that stated certain marriage formality requirements do not invalidate an otherwise valid common law marriage. The bill restores that provision to clarify the validity of common law marriage.

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

SENATE
2nd Reading Unamended
April 6, 2026

HOUSE
3rd Reading Unamended
March 9, 2026

HOUSE
Amended 2nd Reading
March 6, 2026

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

2 **SECTION 1.** In Colorado Revised Statutes, 14-2-104, **recreate**
3 **and reenact, with amendments,** (3) as follows:

4 **14-2-104. Formalities.**

5 (3) THIS SECTION DOES NOT REPEAL OR INVALIDATE ANY
6 OTHERWISE VALID COMMON LAW MARRIAGE:

7 (a) ENTERED INTO PRIOR TO SEPTEMBER 1, 2006; OR

8 (b) ENTERED INTO ON OR AFTER SEPTEMBER 1, 2006, AND
9 COMPLIES WITH SECTION 14-2-109.5.

10 **SECTION 2. Safety clause.** The general assembly finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety or for appropriations for
13 the support and maintenance of the departments of the state and state
14 institutions.