



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

SB 18-062

FINAL FISCAL NOTE

Drafting Number: LLS 18-0703 Date: August 20, 2018
Prime Sponsors: Sen. Moreno Bill Status: Signed into Law
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Bill Topic: SNOW REMOVAL SERVICE LIABILITY LIMITATION

- Summary of Fiscal Impact: State Revenue (minimal), State Expenditure (minimal), State Transfer, TABOR Refund, Local Government, Statutory Public Entity

The bill voids provisions of snow removal contracts that currently limit the liability of the parties to the contract. Beginning in FY 2018-19, the bill may increase state revenue and workload for the Judicial Department by a minimal amount. These impacts are ongoing.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the enacted bill.

Summary of Legislation

This bill creates the "Snow Removal Service Liability Limitation Act" and voids any provision, clause, covenant, or agreement that is part of a snow removal and ice control services contract if it does any of the following in the instance where the provider is prohibited, by contract terms or in writing, from mitigating a specific snow, ice, or other mixed precipitation event or risk and the contract language requires one party to:

- indemnify the other party for damages;
hold the other party harmless for damages; or
provide for the defense of the other party in a liability lawsuit.

Contracts for snow removal or ice control on public roads, within public bodies, with a public utility, or an insurance policy, as surety bond, or workers' compensation, are exempt. Deicing services or ice control services provided at a municipal or county airport or other public airport, including services provided to commercial passenger and cargo airlines therein, are also exempt.

State Revenue and Expenditures

By voiding contract language that limits the ability of one party to a snow removal or ice control contract to sue another party, court filings may increase in FY 2018-19 and future years. To the extent this occurs, state cash fund revenue and workload for the trial courts will increase. The fiscal note assumes that these impacts are minimal and do not require a change in appropriations for the Judicial Department.

TABOR Refund

The bill may increase state revenue subject to TABOR by a minimal amount in FY 2018-19 and future years. State revenue is not currently expected to exceed the TABOR limit in either year and no refund is required. Therefore, the bill is not expected to impact TABOR refunds in these years. However, refunds in future years when the state next collects a TABOR surplus will be increased.

Effective Date

The bill takes was signed into law by the Governor on May 30, 2018, and it took effect on August 8, 2018. It applies to snow removal and ice control services contracts entered into on or after this date.

State and Local Government Contacts

Counties	Higher Education	Information Technology
Judicial	Municipalities	Personnel
Regulatory Agencies	Transportation	