

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.

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.

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

SECTION 1. In Colorado Revised Statutes, **add** part 12 to article 20 of title 13 as follows:

PART 12

ACTIONS BY MINORS

13-20-1201. Actions by minors for pre-majority economic damages - retroactive effect - legislative intent - definitions. (1) THE GENERAL ASSEMBLY INTENDS THAT THIS SECTION BE INTERPRETED SO THAT:

(a) ANY COMMON LAW RULE PERMITTING ONLY A MINOR'S PARENT OR GUARDIAN TO RECOVER FOR A MINOR'S PRE-MAJORITY ECONOMIC LOSS IS ABOLISHED; AND

(b) ALLOWING A MINOR TO RECOVER DAMAGES FOR THE MINOR'S PRE-MAJORITY ECONOMIC LOSS DOES NOT PERMIT MORE THAN ONE PERSON TO RECOVER FOR THE SAME ECONOMIC LOSS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "MINOR" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE, INCLUDING AN EMANCIPATED MINOR, AS DEFINED IN SECTION 13-21-107.5.

(b) "PRE-MAJORITY ECONOMIC LOSS" MEANS ECONOMIC LOSS

1 INCURRED OR THAT WILL BE INCURRED BY A MINOR PRIOR TO THE MINOR
2 ATTAINING THE AGE OF EIGHTEEN YEARS AND INCLUDES MEDICAL
3 EXPENSES PAID BY, OR ON BEHALF OF, THE MINOR.

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

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

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

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

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

21 **13-80-102.5. Limitation of actions - medical or health care.**

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

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

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

1 prior to his attaining eight years of age; or

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

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

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

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