

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

PREAMENDED

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

LLS NO. 24-0639.01 Anna Petrini x5497

HOUSE BILL 24-1099

HOUSE SPONSORSHIP

Lindsay and Soper,

SENATE SPONSORSHIP

Buckner and Pelton B.,

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROCEDURAL REQUIREMENTS IN EVICTIONS, AND, IN**
102 **CONNECTION THEREWITH, PROHIBITING CERTAIN FEES FOR A**
103 **DEFENDANT AND DIRECTING COURTS TO SERVE CERTAIN**
104 **DOCUMENTS ON A DEFENDANT'S BEHALF.**

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>.)

Current law establishes a schedule of filing fees for litigants in civil actions in county courts. The bill eliminates the fee for a defendant filing an answer in an eviction proceeding.

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.

Current law permits a party to submit and a county court to grant a motion to waive filing fees in a residential eviction action. The bill removes the process for securing a waiver of these filing fees. Current law prohibits a county court from assessing fees when indigent parties e-file motions, answers, or documents in connection with evictions. The bill removes the reference to indigent parties and instead prohibits a county court from charging defendants fees for filing motions, answers, or other documents in evictions. The bill requires a county court to timely mail copies of any answers or other filings to a plaintiff on a defendant's behalf. The bill prohibits the court from charging a fee related to the mailing.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-32-101, **amend**
3 (1)(c)(III.5) introductory portion; and **add** (1)(c)(V) as follows:

4 **13-32-101. Docket fees in civil actions - judicial stabilization**
5 **cash fund - justice center cash fund - justice center maintenance fund**
6 **- created - report - legislative declaration.** (1) At the time of first
7 appearance in all civil actions and special proceedings in all courts of
8 record, except in the supreme court and the court of appeals, and except
9 in the probate proceedings in the district court or probate court of the city
10 and county of Denver, and except as provided in subsection (3) of this
11 section and in sections 13-32-103 and 13-32-104, there shall be paid in
12 advance the total docket fees, as follows:

13 (c) (III.5) Except as provided in ~~subsection (1)(c)(IV)~~
14 SUBSECTIONS (1)(c)(IV) AND (1)(c)(V) of this section:

15 (V) A DEFENDANT OR THIRD-PARTY DEFENDANT SHALL NOT BE
16 CHARGED ANY FEE, CHARGE, OR COST FOR FILING AN ANSWER IN RESPONSE
17 TO A FORCIBLE ENTRY AND DETAINER COMPLAINT, REGARDLESS OF
18 WHETHER THE FILING OF THE ANSWER INCLUDES A COUNTERCLAIM OR
19 CROSS CLAIM, AND REGARDLESS OF WHETHER A MONEY JUDGMENT IS

1 BEING SOUGHT FOR ANY AMOUNT.

2 **SECTION 2.** In Colorado Revised Statutes, 13-40-113.5, **amend**
3 (1)(b) and (1)(c); and **add** (1)(e) as follows:

4 **13-40-113.5. Residential actions in county court - remote**
5 **participation - electronic filing - procedures for technology failure -**
6 **auxiliary services providers.** (1) For a residential action filed in county
7 court pursuant to this article 40:

8 (b) A pro se defendant may file an answer electronically through
9 an e-filing system. If either party is pro se, the party may file a motion or
10 other documents, including, but not limited to, evidence OR additional
11 documentation, ~~or a motion to waive filing fees,~~ electronically through an
12 e-filing system.

13 (c) (I) ~~The court shall not assess an e-filing or service fee on a~~
14 ~~motion to waive filing fees. If a motion to waive filing fees is submitted,~~
15 ~~the court may request additional documentation and the court shall give~~
16 ~~the petitioner at least twenty-four hours to provide the requested~~
17 ~~documentation to the court.~~

18 (II) The court shall not assess, CHARGE, OR COLLECT an e-filing
19 fee, service fee, or any other fee associated with the ~~e-mail~~ filing of
20 motions, answers, or documents ~~for an indigent party~~ THAT ARE FILED BY
21 A DEFENDANT; and

22 (e) IF A PRO SE DEFENDANT FILES AN ANSWER OR ANY OTHER
23 DOCUMENT PHYSICALLY INSTEAD OF FILING ELECTRONICALLY THROUGH
24 AN E-FILING SYSTEM, THE COURT SHALL TIMELY SERVE THE DOCUMENT ON
25 THE PLAINTIFF ON BEHALF OF THE DEFENDANT AND SHALL NOT CHARGE
26 ANY FEE OR COST RELATED TO THE SERVICE.

27 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2024 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.