

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 18-0616.01 Conrad Imel x2313

SENATE BILL 18-056

SENATE SPONSORSHIP

Jahn,

HOUSE SPONSORSHIP

Lee and Willett,

Senate Committees

Judiciary
Finance

House Committees

Judiciary

A BILL FOR AN ACT

101 CONCERNING MONETARY AMOUNTS IN CIVIL ACTIONS.

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>.)

Under current law, a person may file a civil action in county court if the value of the claim is \$15,000 or less. The bill increases that limit to \$35,000 or less and increases certain civil action filing fees for district courts and county courts. The bill is effective January 1, 2019.

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

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.


HOUSE
Amended 2nd Reading
April 24, 2018

SENATE
3rd Reading Unamended
March 14, 2018

SENATE
Amended 2nd Reading
March 13, 2018

1 **SECTION 1.** In Colorado Revised Statutes, 13-6-104, **amend** (1)
2 and (2) as follows:

3 **13-6-104. Original civil jurisdiction.** (1) On and after January
4 ~~1, 1991~~ JANUARY 1, 2019, the county court shall have concurrent original
5 jurisdiction with the district court in civil actions, suits, and proceedings
6 in which the debt, damage, or value of the personal property claimed does
7 not exceed ~~fifteen~~ **TWENTY-FIVE** thousand dollars, including by way of
8 further example, and not limitation, jurisdiction to hear and determine
9 actions in tort and assess damages therein not to exceed ~~fifteen~~
10 **TWENTY-FIVE** thousand dollars. The county court shall also have
11 jurisdiction of counterclaims in all such actions when the counterclaim
12 does not exceed ~~fifteen~~ **TWENTY-FIVE** thousand dollars.

13 
14 (2) The county court shall have concurrent original jurisdiction
15 with the district court in actions to foreclose liens pursuant to article 20
16 of title 38 ~~C.R.S.~~, and in cases of forcible entry, forcible detainer, or
17 unlawful detainer, except when such cases involve the boundary or title
18 to real property and except as provided in section 13-40-109. Judgment
19 in the county court for rent, damages on account of unlawful detention,
20 damages for injury to property, and damages incurred under article 20 of
21 title 38 ~~C.R.S.~~, ~~under~~ PURSUANT TO this subsection (2) shall not exceed
22 a total of ~~fifteen~~ **TWENTY-FIVE** thousand dollars, exclusive of costs and
23 attorney fees, nor shall the county court on and after January 1, 1991
24 JANUARY 1, 2019, have jurisdiction if the monthly rental value of the
25 property exceeds ~~fifteen~~ **TWENTY-FIVE** thousand dollars.

26 **SECTION 2.** In Colorado Revised Statutes, **amend** 13-40-109 as
27 follows:

1 **13-40-109. Jurisdiction of courts.** The district courts in their
2 respective districts and county courts in their respective counties have
3 jurisdiction of all cases of forcible entry, forcible detainer, or unlawful
4 detrainer arising ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 40, and the
5 person entitled to the possession of any premises may recover possession
6 thereof by action brought in any of said courts in the manner provided in
7 this ~~article~~ ARTICLE 40. On and after ~~January 1, 1991~~ JANUARY 1, 2019,
8 in all actions brought before county courts ~~under~~ PURSUANT TO section
9 13-40-104 (1)(f) to (1)(i), where the allegations of the complaint are put
10 in issue by a verified answer and in actions in which the verified answer
11 alleges a monthly rental value of the property in excess of ~~fifteen~~
12 TWENTY-FIVE thousand dollars, the county court, upon the filing of said
13 answer, shall suspend all proceedings therein and certify said cause and
14 transmit the papers therein to the district court of the same county. Causes
15 so certified by the county court shall be proceeded within the courts to
16 which they have been so certified in all respects as if originally begun in
17 the court to which they have been certified. On and after ~~January 1, 1991~~
18 JANUARY 1, 2019, the jurisdiction of the county court to enter judgment
19 for rent, or damages, or both and to render judgment on a counterclaim
20 in forcible entry and detainer shall be limited to a total of ~~fifteen~~
21 TWENTY-FIVE thousand dollars in favor of either party, exclusive of costs
22 and attorney fees.

23 **SECTION 3.** In Colorado Revised Statutes, 13-32-101, **amend**
24 (1)(d), (1)(f), (5)(o) introductory portion, (5)(o)(II), (5)(q) introductory
25 portion, and (5)(q)(II); **repeal** (1)(c)(III) introductory portion,
26 (1)(c)(III)(A), (1)(c)(III)(B), (5)(g), and (5)(h); and **add** (1)(c)(III.5),
27 (5)(g.5), and (5)(h.5) as follows:

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

9 ~~(c) (III) Except as provided in subparagraph (IV) of this paragraph~~
10 ~~(c):~~

11 ~~(A) On and after July 1, 2010, by each plaintiff, petitioner,~~
12 ~~third-party plaintiff, and party filing a cross claim or counterclaim, when~~
13 ~~a money judgment sought is fifteen thousand dollars or less and such~~
14 ~~action is commenced in a court of record of appropriate limited~~
15 ~~jurisdiction, a fee in the amount of ninety-seven dollars.~~

16 ~~(B) On and after July 1, 2010, by each defendant, respondent,~~
17 ~~third-party defendant, or other party in such court not filing a cross claim~~
18 ~~or counterclaim, when a money judgment sought is fifteen thousand~~
19 ~~dollars or less and such action is commenced in a court of record of~~
20 ~~appropriate limited jurisdiction, a fee in the amount of ninety-two dollars.~~

21 ~~(III.5) EXCEPT AS PROVIDED IN SUBSECTION (1)(c)(IV) OF THIS~~
22 ~~SECTION:~~

23 ~~(A) ON OR AFTER JANUARY 1, 2019, BY EACH PLAINTIFF,~~
24 ~~PETITIONER, THIRD-PARTY PLAINTIFF, AND PARTY FILING A CROSS CLAIM~~
25 ~~OR COUNTERCLAIM, WHEN A MONEY JUDGMENT SOUGHT IS LESS THAN ONE~~
26 ~~THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A COURT OF~~
27 ~~RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE AMOUNT OF~~

1 EIGHTY-FIVE DOLLARS.

2 (B) ON OR AFTER JANUARY 1, 2019, BY EACH DEFENDANT,
3 RESPONDENT, THIRD-PARTY DEFENDANT, OR OTHER PARTY IN SUCH COURT
4 NOT FILING A CROSS CLAIM OR COUNTERCLAIM, WHEN A MONEY JUDGMENT
5 SOUGHT IS LESS THAN ONE THOUSAND DOLLARS AND SUCH ACTION IS
6 COMMENCED IN A COURT OF RECORD OF APPROPRIATE LIMITED
7 JURISDICTION, A FEE IN THE AMOUNT OF EIGHTY DOLLARS.

8 (C) ON OR AFTER JANUARY 1, 2019, BY EACH PLAINTIFF,
9 PETITIONER, THIRD-PARTY PLAINTIFF, AND PARTY FILING A CROSS CLAIM
10 OR COUNTERCLAIM, WHEN A MONEY JUDGMENT SOUGHT IS ONE THOUSAND
11 DOLLARS OR MORE BUT LESS THAN FIFTEEN THOUSAND DOLLARS AND
12 SUCH ACTION IS COMMENCED IN A COURT OF RECORD OF APPROPRIATE
13 LIMITED JURISDICTION, A FEE IN THE AMOUNT OF ONE HUNDRED FIVE
14 DOLLARS.

15 (D) ON OR AFTER JANUARY 1, 2019, BY EACH DEFENDANT,
16 RESPONDENT, THIRD-PARTY DEFENDANT, OR OTHER PARTY IN SUCH COURT
17 NOT FILING A CROSS CLAIM OR COUNTERCLAIM, WHEN A MONEY JUDGMENT
18 SOUGHT IS ONE THOUSAND DOLLARS OR MORE BUT LESS THAN FIFTEEN
19 THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A COURT OF
20 RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE AMOUNT OF
21 ONE HUNDRED DOLLARS.

22 (E) ON OR AFTER JANUARY 1, 2019, BY EACH PLAINTIFF,
23 PETITIONER, THIRD-PARTY PLAINTIFF, AND PARTY FILING A CROSS CLAIM
24 OR COUNTERCLAIM, WHEN A MONEY JUDGMENT SOUGHT IS FIFTEEN
25 THOUSAND DOLLARS OR MORE BUT DOES NOT EXCEED TWENTY-FIVE
26 THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A COURT OF
27 RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE AMOUNT OF

1 ONE HUNDRED THIRTY-FIVE DOLLARS.

2 (F) ON OR AFTER JANUARY 1, 2019, BY EACH DEFENDANT,
3 RESPONDENT, THIRD-PARTY DEFENDANT, OR OTHER PARTY IN SUCH COURT
4 NOT FILING A CROSS CLAIM OR COUNTERCLAIM, WHEN A MONEY JUDGMENT
5 SOUGHT IS FIFTEEN THOUSAND DOLLARS OR MORE BUT DOES NOT EXCEED
6 TWENTY-FIVE THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN
7 A COURT OF RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE
8 AMOUNT OF ONE HUNDRED THIRTY DOLLARS.

9 (d) On and after ~~July 1, 2008~~ JANUARY 1, 2019, by each plaintiff,
10 petitioner, third-party plaintiff, and party filing a cross claim or
11 counterclaim filed in a district court of the state, a fee of ~~two hundred~~
12 ~~twenty-four~~ TWO HUNDRED THIRTY-FIVE dollars;

13 (f) On and after ~~July 1, 2008~~ JANUARY 1, 2019, by an appellee and
14 by each defendant or respondent not filing a cross claim or counterclaim,
15 a fee of one hundred ~~fifty-eight~~ NINETY-TWO dollars;

16 (5) (g) Each fee collected pursuant to sub-subparagraph (A) of
17 subparagraph (III) of paragraph (c) of subsection (1) of this section shall
18 be transmitted to the state treasurer and fifty-four dollars shall be
19 deposited in the judicial stabilization cash fund created in subsection (6)
20 of this section, five dollars shall be deposited in the court security cash
21 fund established pursuant to section 13-1-204, thirty-seven dollars shall
22 be deposited in the justice center cash fund created in paragraph (a) of
23 subsection (7) of this section, and one dollar shall be deposited in the
24 general fund pursuant to section 2-5-119. C.R.S.

25 (g.5) EACH FEE COLLECTED PURSUANT TO SUBSECTION
26 (1)(c)(III.5)(A), (1)(c)(III.5)(C), OR (1)(c)(III.5)(E) OF THIS SECTION
27 SHALL BE TRANSMITTED TO THE STATE TREASURER AND FIVE DOLLARS

1 SHALL BE DEPOSITED IN THE COURT SECURITY CASH FUND ESTABLISHED
2 PURSUANT TO SECTION 13-1-204, THIRTY-EIGHT DOLLARS SHALL BE
3 DEPOSITED IN THE JUSTICE CENTER CASH FUND CREATED IN SUBSECTION
4 (7)(a) OF THIS SECTION, AND ONE DOLLAR SHALL BE DEPOSITED IN THE
5 GENERAL FUND PURSUANT TO SECTION 2-5-119. THE REMAINING BALANCE
6 SHALL BE DEPOSITED IN THE JUDICIAL STABILIZATION CASH FUND CREATED
7 IN SUBSECTION (6) OF THIS SECTION.

8 (h) Each fee collected pursuant to sub-subparagraph (B) of
9 subparagraph (III) of paragraph (c) of subsection (1) of this section shall
10 be transmitted to the state treasurer and fifty dollars shall be deposited in
11 the judicial stabilization cash fund created in subsection (6) of this
12 section, five dollars shall be deposited in the court security cash fund
13 established pursuant to section 13-1-204, and thirty-seven dollars shall be
14 deposited in the justice center cash fund created in paragraph (a) of
15 subsection (7) of this section.

16 (h.5) EACH FEE COLLECTED PURSUANT TO SUBSECTION
17 (1)(c)(III.5)(B), (1)(c)(III.5)(D), OR (1)(c)(III.5)(F) OF THIS SECTION
18 SHALL BE TRANSMITTED TO THE STATE TREASURER AND FIVE DOLLARS
19 SHALL BE DEPOSITED IN THE COURT SECURITY CASH FUND ESTABLISHED
20 PURSUANT TO SECTION 13-1-204, AND THIRTY-EIGHT DOLLARS SHALL BE
21 DEPOSITED IN THE JUSTICE CENTER CASH FUND CREATED IN SUBSECTION
22 (7)(a) OF THIS SECTION. THE REMAINING BALANCE SHALL BE DEPOSITED IN
23 THE JUDICIAL STABILIZATION CASH FUND CREATED IN SUBSECTION (6) OF
24 THIS SECTION.

25 (o) Each fee collected pursuant to paragraph (d) of subsection (1)
26 SUBSECTION (1)(d) of this section shall be transmitted to the state
27 treasurer and divided as follows:

1 (II) On and after July 1, 2010 JANUARY 1, 2019, one hundred fifty
2 SIXTY-ONE dollars shall be deposited in the judicial stabilization cash fund
3 created in subsection (6) of this section, five dollars shall be deposited in
4 the court security cash fund established pursuant to section 13-1-204,
5 sixty-eight dollars shall be deposited in the justice center cash fund
6 created in paragraph (a) of subsection (7) SUBSECTION (7)(a) of this
7 section, and one dollar shall be deposited in the general fund pursuant to
8 section 2-5-119. C.R.S.

9 (q) Each fee collected pursuant to ~~paragraph (f) of subsection (1)~~
10 ~~SUBSECTION (1)(f)~~ of this section shall be transmitted to the state treasurer
11 and divided as follows:

12 (II) On and after July 1, 2010, ~~eighty-five~~ JANUARY 1, 2019, ONE
13 HUNDRED NINETEEN dollars shall be deposited in the judicial stabilization
14 cash fund created in subsection (6) of this section, five dollars shall be
15 deposited in the court security cash fund established pursuant to section
16 13-1-204, and sixty-eight dollars shall be deposited in the justice center
17 cash fund created in ~~paragraph (a) of subsection (7)~~ SUBSECTION (7)(a) of
18 this section.

19 **SECTION 4.** In Colorado Revised Statutes, 13-3-101, **add** (10)
20 as follows:

21 **13-3-101. State court administrator - repeal.** (10) (a) THE
22 STATE COURT ADMINISTRATOR SHALL ANALYZE CASE INFORMATION AND
23 DATA, INCLUDING TYPES OF CLAIMS AND ATTORNEY FEE AWARDS, TO
24 DETERMINE APPROPRIATE FACTORS FOR POTENTIALLY FURTHER
25 INCREASING THE JURISDICTION, AND FOR DETERMINING THE AMOUNTS
26 INCLUDED IN JURISDICTIONAL LIMITS, OF COUNTY COURTS IN CIVIL
27 ACTIONS.

1 (b) THE STATE COURT ADMINISTRATOR SHALL REPORT TO THE
2 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
3 SENATE, OR ANY SUCCESSOR COMMITTEES, NO LATER THAN NOVEMBER 1,
4 2018, REGARDING THE RESULTS OF THE STUDY PERFORMED PURSUANT TO
5 SUBSECTION (10)(a) OF THIS SECTION.

6 (c) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JUNE 30, 2019.

7 **SECTION 5. Act subject to petition - effective date -**
8 **applicability.** (1) Except as otherwise provided in subsection (2) of this
9 section, this act takes effect January 1, 2019; except that, if a referendum
10 petition is filed pursuant to section 1 (3) of article V of the state
11 constitution against this act or an item, section, or part of this act within
12 the ninety-day period after final adjournment of the general assembly,
13 then the act, item, section, or part will not take effect unless approved by
14 the people at the general election to be held in November 2018 and, in
15 such case, will take effect on January 1, 2019, or on the date of the
16 official declaration of the vote thereon by the governor, whichever is
17 later.

18 (2) Section 13-3-101 (10) as added in section 4 of this act takes
19 effect August 8, 2018, unless a referendum petition is filed pursuant to
20 subsection (1) of this section.

21 (3) This act applies to civil actions filed on or after the applicable
22 effective date of this act.