

## CHAPTER 72

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**CHILDREN AND DOMESTIC MATTERS**


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**SENATE BILL 18-090**

BY SENATOR(S) Zenzinger, Martinez Humenik, Moreno, Tate, Court, Kerr, Priola, Smallwood;  
 also REPRESENTATIVE(S) Hooton, Arndt, Thurlow, McKean, Becker K., Buckner, Esgar, Exum, Garnett, Ginal, Gray, Hamner,  
 Hansen, Herod, Kraft-Tharp, Lontine, McLachlan, Melton, Michaelson Jenet, Roberts, Salazar, Valdez, Winter, Young.

**AN ACT****CONCERNING MODERNIZATION OF LANGUAGE IN STATUTORY SECTIONS CONCERNING "RIGHTS OF MARRIED WOMEN".**

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

**SECTION 1. Legislative declaration.** The general assembly declares that the purpose of Senate Bill 18-090, enacted in 2018, is to effect a nonsubstantive change in statute to modernize the use of the terms "married woman", "wife", and similar terms, where appropriate, in statutory sections found in part 2 of article 2 of title 14, Colorado Revised Statutes, formally titled "Rights of Married Women". The intent is to clarify that the rights set forth in these particular statutory sections apply to all married persons, not just married women.

**SECTION 2.** In Colorado Revised Statutes, **amend** part 2 of article 2 of title 14 as follows:

PART 2  
 RIGHTS OF MARRIED ~~WOMEN~~ *PERSONS*

**14-2-201. Property ownership.** The property, real and personal, ~~which any woman~~ THAT A PERSON in this state owns at the time of HIS OR her marriage, and the rents, issues, profits, and proceeds thereof, and any real, personal, or mixed property ~~which~~ THAT comes to HIM OR her by descent, devise, or bequest, or the gift of any person except HIS OR her husband OR WIFE, including presents or gifts from HIS OR her husband OR WIFE, such as jewelry, silver, tableware, watches, money, and ~~wearing~~ apparel, ~~shall remain~~ REMAINS HIS OR her sole and separate property, notwithstanding HIS OR her marriage, and ~~shall not be~~ IS NOT subject to the disposal of HIS OR her husband OR WIFE or liable for his OR HER debts.

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**14-2-202. Married person may sue and be sued.** ~~Any woman~~ A PERSON, while married, may sue and be sued, in all matters having relation to HIS OR her property, person, or reputation, in the same manner as if HE OR she were ~~sole~~ UNMARRIED.

**14-2-203. Rights in separate business.** ~~Any~~ A married ~~woman~~ PERSON may carry on any trade or business and perform any labor or services on HIS OR her sole and separate account, and the earnings of ~~any~~ A married ~~woman~~ PERSON from HIS OR her trade, business, labor, or services ~~shall be~~ IS HIS OR her sole and separate property and may be used and invested by HIM OR her in HIS OR her own name. ~~Her~~ Property acquired by trade, business, and services BY THE MARRIED PERSON and the proceeds ~~thereof~~ may be taken on any execution against ~~her~~ THE PERSON.

**14-2-204. Not to affect marriage settlements.** Nothing in sections 14-2-201 to 14-2-206 ~~shall invalidate~~ INVALIDATES any marriage settlement or contract.

**14-2-205. Married person's land subject to judgment.** When ~~any woman~~ A PERSON against whom liability exists marries and has or acquires lands, judgment on such liability may be rendered against HIM OR her and HIS OR her husband OR WIFE jointly, to be levied on such lands only.

**14-2-206. Spouse cannot convey other spouse's lands.** The separate deed of ~~the husband shall convey~~ A SPOUSE CONVEYS no interest in the ~~wife's~~ OTHER SPOUSE'S lands.

**14-2-207. Spouse may convey lands as if unmarried.** ~~Any woman~~ A PERSON, while married, may bargain, sell, and convey HIS OR her real and personal property and enter into any contract in reference to the same as if HE OR she were ~~sole~~ UNMARRIED.

**14-2-208. Married person may contract.** ~~Any woman~~ A PERSON, while married, may contract debts in HIS OR her own name and upon HIS OR her own credit, and may execute promissory notes, bonds, bills of exchange, and other instruments in writing, and may enter into any contract the same as if HE OR she were ~~sole; and,~~ UNMARRIED. In all cases where any suit or other legal proceedings are instituted against ~~her~~ THE MARRIED PERSON and any judgment, decree, or order ~~therein~~ is rendered or pronounced against ~~her~~ THE MARRIED PERSON, the same may be enforced by execution or other process against ~~her the same as if she were sole~~ THE MARRIED PERSON AS IF HE OR SHE WERE UNMARRIED.

**14-2-209. Loss of consortium.** In all actions for a tort by a married ~~woman, she shall have the same right~~ PERSON, BOTH SPOUSES HAVE AN EQUAL RIGHT to recover for loss of consortium of ~~her husband as is afforded husbands in like actions~~ HIS OR HER SPOUSE.

**14-2-210. Domicile.** The right of ~~any~~ A person to become a resident domiciled in the state of Colorado ~~shall~~ MUST not be denied or abridged because of sex or marital status, and the common law rule that the domicile of a married ~~woman~~ PERSON is that of ~~her husband shall~~ HIS OR HER SPOUSE IS no longer be in effect in this state.

**SECTION 3. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 29, 2018