



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 24-1197	Date:	May 5, 2024
Prime Sponsors:	Rep. Brown; Pugliese Sen. Mullica; Gardner	Bill Status:	House Judiciary
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Bill Topic: **RAISE DAMAGE LIMIT TORT ACTIONS**

Summary of	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
Fiscal Impact:	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill raises various caps on damage awards in tort cases. Starting in FY 2024-25, the bill minimally increases state workload and may minimally increase state revenue.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill makes several changes to the amount of damages that may be collected in civil cases, including:

- increasing the total amount of damages for noneconomic loss or injury in non-medical malpractice cases to \$1.5 million and adjusting the cap by inflation every 2 years after starting in 2028;
- allowing siblings of a person whose death was caused by certain negligence to sue and recover damages if the deceased had no surviving spouse, heirs, or designated beneficiary, or if the deceased was unmarried without descendants, and had no mother or no father;
- setting a wrongful death cap for damages at \$2.125 million;
- setting the cap for noneconomic loss in and injury in wrongful death medical malpractice cases to \$550,000 in 2025, \$810,000 in 2026, \$1.065 million in 2027, \$1.320 million in 2028, \$1.575 million in 2029; and adjusted for inflation in 2030 and every two years after;
- setting the cap for damages for course of care in medical malpractice cases to the greater of \$1.0 million present value patient or 125 percent of the noneconomic damages limitations effective at the time of the acts occurred present value per patient;
- increases the cap of noneconomic loss or injury in medical malpractice cases to \$415,000 in 2025, \$530,000 in 2026, \$645,000 in 2027, \$760,000 in 2028, \$875,000 in 2029, and then adjusted for inflation in 2030 and every two years after.

Background

When a person suffers an injury from the actions of another, the person, or plaintiff, may bring a civil suit to recover damages from the action. Under current state law, the amount of damages that may be recovered may be limited to a certain dollar amount. For example, under current law, damages for noneconomic loss or injury cannot exceed \$250,000 unless the case involves medical malpractice or the court finds justification to increase damages up to \$500,000.

The district court fee for a civil case filing is \$235. County courts and district courts have concurrent jurisdiction in civil cases where the claim is \$25,000 or less, and the county court fee ranges from \$85 to \$135 depending on amount involved in the case.

State Revenue and Expenditures

Starting in FY 2024-25, workload will increase in the Secretary of State's office to update materials and website to reflect the adjusted caps. This work can be accomplished within existing appropriations. To the extent higher caps create additional litigation, revenue and costs to the trial courts will increase. This impact is expected to be absorbed within existing resources.

Local Government

Similar to the state, to the extent the bill increases civil case filings in the Denver County Court, revenue and workload will increase.

Effective Date

The bill takes effect January 1, 2025.

State and Local Government Contacts

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).