

Proposed Initiative 2023-2024 #150
Final Draft

Be it enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** section 13-21-102.7 as follows:

13-21-102.7 Damages involving catastrophic injury or wrongful death. (1)

NOTWITHSTANDING ANY CONTRARY LIMIT ON ANY TYPE OF DAMAGES FOUND IN LAW, AN INJURED PERSON OR THEIR FAMILY HAS THE RIGHT TO RECOVER, WITHOUT LIMITATION, THE TOTAL AMOUNT OF DAMAGES AWARDED BY A JURY OR JUDGE IN A CLAIM INVOLVING CATASTROPHIC INJURY, INCLUDING WRONGFUL DEATH.

(2) THE PARTY SEEKING DAMAGES BEARS THE BURDEN OF PROVING THAT THE INJURED PERSON SUFFERED A CATASTROPHIC INJURY BY A PREPONDERANCE OF THE EVIDENCE.

(3) FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS HAVE THE FOLLOWING MEANINGS:

(a) "CATASTROPHIC INJURY" MEANS DEATH, DISMEMBERMENT, PERMANENT INJURY TO THE BODY OR MIND, OR A SEVERE INJURY THAT SERIOUSLY LIMITS ACTIVITIES OF NORMAL DAILY LIFE;

(b) "FAMILY" MEANS SPOUSE, CIVIL UNION PARTNER, OR A PARTY TO A COMMON LAW MARRIAGE FOR CLAIMS INVOLVING CATASTROPHIC INJURY, AND THOSE INDIVIDUALS LEGALLY PERMITTED TO INHERIT AS SET FORTH IN SECTIONS 15-11-102, 15-11-102.5, AND 15-11-103 FOR CLAIMS INVOLVING CATASTROPHIC INJURY RESULTING IN WRONGFUL DEATH; AND

(c) "WRONGFUL DEATH" MEANS DEATH CAUSED BY A COMPANY'S OR PERSON'S NEGLIGENCE OR MISCONDUCT.

(4) THIS SECTION DOES NOT APPLY TO CLAIMS AGAINST SKI AREA OPERATORS PURSUANT TO SECTION 33-44-113, CLAIMS AGAINST SELLERS OR SERVERS OF ALCOHOL BEVERAGES PURSUANT TO SECTION 44-3-801, OR CLAIMS BROUGHT PURSUANT TO THE COLORADO GOVERNMENTAL IMMUNITY ACT, SECTION 24-10-101 *ET SEQ.*

Section 2. Effective date. This act takes effect on the date of the proclamation of the Governor announcing the approval, by the registered electors of the state, of the proposed initiative.