

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 18-0154.01 Jane Ritter x4342

SENATE BILL 18-098

SENATE SPONSORSHIP

Tate and Zenzinger, Martinez Humenik, Moreno

HOUSE SPONSORSHIP

Hooton and Thurlow, Arndt, McKean

Senate Committees
Judiciary

House Committees

101 **CONCERNING AMENDING A STATUTORY PROVISION RELATING TO**
102 **INTEREST ON DAMAGES THAT WAS RULED UNCONSTITUTIONAL**
103 **BY THE COLORADO SUPREME COURT.**

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/>.)

Statutory Revision Committee. The bill amends section 13-21-101 (1), Colorado Revised Statutes, concerning interest on damages to reflect a 1996 decision made by the Colorado supreme court

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.

that ruled certain language in that subsection violated the equal protection clause of the constitution.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of Senate Bill 18-098, enacted in 2018, is to
4 repeal specific language in a section of statute that was ruled
5 unconstitutional by the Colorado Supreme Court in 1996.

6 **SECTION 2.** In Colorado Revised Statutes, amend 13-21-101 as
7 follows:

8 **13-21-101. Interest on damages.** (1) In all actions brought to
9 recover damages for personal injuries sustained by any person resulting
10 from or occasioned by the tort of any other person, corporation,
11 association, or partnership, whether by negligence or by willful intent of
12 such THE other person, corporation, association, or partnership and
13 whether such THE injury has resulted fatally or otherwise, it is lawful for
14 the plaintiff in the complaint to claim interest on the damages alleged
15 from the date ~~said~~ THE suit is filed; and, on and after July 1, 1979, it is
16 lawful for the plaintiff in the complaint to claim interest on the damages
17 claimed from the date the action accrued. When such interest is ~~so~~
18 claimed, it is the duty of the court in entering judgment for the plaintiff
19 in such THE action to add to the amount of damages assessed by the
20 verdict of the jury, or found by the court, interest on ~~such~~ THE amount
21 calculated at the rate of nine percent per annum on actions filed on or
22 after July 1, 1975, and at the legal rate on actions filed prior to such date,
23 and calculated from the date ~~such~~ THE suit was filed to the date of
24 satisfying the judgment and to include the same in ~~said~~ THE judgment. ~~as~~
25 a part thereof. On actions filed on or after July 1, 1979, the calculation

1 shall MUST include compounding of interest annually from the date such
2 THE suit was filed. On and after January 1, 1983, if a judgment for money
3 in an action brought to recover damages for personal injuries is appealed
4 by the judgment debtor, POSTJUDGMENT interest whether prejudgment or
5 postjudgment, shall MUST be calculated on such THE sum at the rate set
6 forth in subsections (3) and (4) of this section from the date the action
7 accrued and shall OF JUDGMENT THROUGH THE DATE OF SATISFYING THE
8 JUDGMENT AND MUST include compounding of interest annually. from the
9 date such suit was filed.

10 (2) (a) If a judgment for money in an action brought to recover
11 damages for personal injuries is appealed by a judgment debtor and the
12 judgment is affirmed, POSTJUDGMENT interest, as set out in subsections
13 (3) and (4) of this section, shall be IS payable from the date the action
14 accrued until satisfaction of the judgment OF JUDGMENT THROUGH THE
15 DATE OF SATISFYING THE JUDGMENT.

16 (b) If a judgment for money in an action to recover damages for
17 personal injuries is appealed by a judgment debtor and the judgment is
18 modified or reversed with a direction that a judgment for money be
19 entered in the trial court, POSTJUDGMENT interest, as set out in subsections
20 (3) and (4) of this section, shall be IS payable from the date the action
21 accrued until the judgment is satisfied OF JUDGMENT THROUGH THE DATE
22 OF SATISFYING THE JUDGMENT. This POSTJUDGMENT interest shall be IS
23 payable on the amount of the final judgment.

24 (3) The rate of POSTJUDGMENT interest shall MUST be certified on
25 each January 1 by the secretary of state to be two percentage points above
26 the discount rate, which discount rate shall MUST be the rate of interest a
27 commercial bank pays to the federal reserve bank of Kansas City using

1 a government bond or other eligible paper as security, and shall be
2 rounded to the nearest full percent. Such annual rate of interest shall be
3 so MUST BE established as of December 31, 1982, to become effective
4 January 1, 1983. Thereafter, as of December 31 of each year, the annual
5 rate of interest shall MUST be established in the same manner, to become
6 effective on January 1 of the following year.

7 (4) The rate at which POSTJUDGMENT interest shall accrue
8 ACCRUES during each year shall be IS the rate which the secretary of state
9 has certified as the annual interest rate under PURSUANT TO subsection (3)
10 of this section.

11 **SECTION 3. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2018 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.