

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. 18-0616.01 Conrad Imel x2313

SENATE BILL 18-056

SENATE SPONSORSHIP

Jahn,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary
Finance

House Committees

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.

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) (a) On and after
4 January 1, 1991 JANUARY 1, 2019, the county court shall have concurrent
5 original jurisdiction with the district court in civil actions, suits, and
6 proceedings in which the debt, damage, or value of the personal property
7 claimed does not exceed ~~fifteen~~ THIRTY-FIVE thousand dollars, including
8 by way of further example, and not limitation, jurisdiction to hear and
9 determine actions in tort and assess damages therein not to exceed ~~fifteen~~
10 THIRTY-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~~ THIRTY-FIVE thousand dollars.

13 (b) WHEN THE DEBT, DAMAGE, OR VALUE OF THE PERSONAL
14 PROPERTY CLAIMED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION IS
15 FIFTEEN THOUSAND DOLLARS OR LESS, EXCLUSIVE OF ATTORNEY FEES, THE
16 MONETARY AMOUNTS IN SUBSECTION (1)(a) OF THIS SECTION DO NOT
17 INCLUDE ATTORNEY FEES, REGARDLESS OF WHETHER THE ATTORNEY FEES
18 ARE TREATED AS COSTS OR DAMAGES. WHEN THE DEBT, DAMAGE, OR
19 VALUE OF THE PERSONAL PROPERTY CLAIMED PURSUANT TO SUBSECTION
20 (1)(a) OF THIS SECTION IS MORE THAN FIFTEEN THOUSAND DOLLARS,
21 EXCLUSIVE OF ATTORNEY FEES, THE MONETARY AMOUNTS IN SUBSECTION
22 (1)(a) OF THIS SECTION INCLUDE ALL ELEMENTS OF DAMAGES AVAILABLE
23 PURSUANT TO STATUTE OR COMMON LAW, AND ATTORNEY FEES,
24 REGARDLESS OF WHETHER THE ATTORNEY FEES ARE TREATED AS COSTS OR
25 DAMAGES, BUT DO NOT INCLUDE INTEREST OR ORDINARY COURT COSTS.

26 (2) The county court shall have concurrent original jurisdiction
27 with the district court in actions to foreclose liens pursuant to article 20

1 of title 38 ~~C.R.S.~~, and in cases of forcible entry, forcible detainer, or
2 unlawful detainer, except when such cases involve the boundary or title
3 to real property and except as provided in section 13-40-109. Judgment
4 in the county court for rent, damages on account of unlawful detention,
5 damages for injury to property, and damages incurred under article 20 of
6 title 38 ~~C.R.S.~~, ~~under~~ PURSUANT TO this subsection (2) shall not exceed
7 a total of ~~fifteen~~ THIRTY-FIVE thousand dollars, exclusive of costs and
8 attorney fees, nor shall the county court on and after ~~January 1, 1991~~
9 JANUARY 1, 2019, have jurisdiction if the monthly rental value of the
10 property exceeds ~~fifteen~~ THIRTY-FIVE thousand dollars.

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

13 **13-40-109. Jurisdiction of courts.** The district courts in their
14 respective districts and county courts in their respective counties have
15 jurisdiction of all cases of forcible entry, forcible detainer, or unlawful
16 detainer arising ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 40, and the
17 person entitled to the possession of any premises may recover possession
18 thereof by action brought in any of said courts in the manner provided in
19 this ~~article~~ ARTICLE 40. On and after ~~January 1, 1991~~ JANUARY 1, 2019,
20 in all actions brought before county courts ~~under~~ PURSUANT TO section
21 13-40-104 (1)(f) to (1)(i), where the allegations of the complaint are put
22 in issue by a verified answer and in actions in which the verified answer
23 alleges a monthly rental value of the property in excess of ~~fifteen~~
24 THIRTY-FIVE thousand dollars, the county court, upon the filing of said
25 answer, shall suspend all proceedings therein and certify said cause and
26 transmit the papers therein to the district court of the same county. Causes
27 so certified by the county court shall be proceeded within the courts to

1 which they have been so certified in all respects as if originally begun in
2 the court to which they have been certified. On and after ~~January 1, 1991~~
3 JANUARY 1, 2019, the jurisdiction of the county court to enter judgment
4 for rent, or damages, or both and to render judgment on a counterclaim
5 in forcible entry and detainer shall be limited to a total of ~~fifteen~~
6 ~~THIRTY-FIVE~~ thousand dollars in favor of either party, exclusive of costs
7 and attorney fees.

8 **SECTION 3.** In Colorado Revised Statutes, 13-32-101, **amend**
9 (1)(d), (5)(o) introductory portion, and (5)(o)(II); repeal (1)(c)(III)
10 introductory portion, (1)(c)(III)(A), (1)(c)(III)(B), (5)(g), and (5)(h); and
11 add (1)(c)(III.5), (5)(g.5), and (5)(h.5) as follows:

12 **13-32-101. Docket fees in civil actions - judicial stabilization**
13 **cash fund - support registry fund created.** (1) At the time of first
14 appearance in all civil actions and special proceedings in all courts of
15 record, except in the supreme court and the court of appeals, and except
16 in the probate proceedings in the district court or probate court of the city
17 and county of Denver, and except as provided in subsection (3) of this
18 section and in sections 13-32-103 and 13-32-104, there shall be paid in
19 advance the total docket fees, as follows:

20 (c) (III) Except as provided in subparagraph (IV) of this paragraph
21 (c):

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

27 (B) On and after July 1, 2010, by each defendant, respondent,

1 ~~third-party defendant, or other party in such court not filing a cross claim~~
2 ~~or counterclaim, when a money judgment sought is fifteen thousand~~
3 ~~dollars or less and such action is commenced in a court of record of~~
4 ~~appropriate limited jurisdiction, a fee in the amount of ninety-two dollars.~~

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

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

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

19 (C) ON OR AFTER JANUARY 1, 2019, BY EACH PLAINTIFF,
20 PETITIONER, THIRD-PARTY PLAINTIFF, AND PARTY FILING A CROSS CLAIM
21 OR COUNTERCLAIM, WHEN A MONEY JUDGMENT SOUGHT IS ONE THOUSAND
22 DOLLARS OR MORE BUT LESS THAN FIFTEEN THOUSAND DOLLARS AND
23 SUCH ACTION IS COMMENCED IN A COURT OF RECORD OF APPROPRIATE
24 LIMITED JURISDICTION, A FEE IN THE AMOUNT OF ONE HUNDRED FIVE
25 DOLLARS.

26 (D) ON OR AFTER JANUARY 1, 2019, BY EACH DEFENDANT,
27 RESPONDENT, THIRD-PARTY DEFENDANT, OR OTHER PARTY IN SUCH COURT

1 NOT FILING A CROSS CLAIM OR COUNTERCLAIM, WHEN A MONEY JUDGMENT
2 SOUGHT IS ONE THOUSAND DOLLARS OR MORE BUT LESS THAN FIFTEEN
3 THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A COURT OF
4 RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE AMOUNT OF
5 ONE HUNDRED DOLLARS.

6 (E) ON OR AFTER JANUARY 1, 2019, BY EACH PLAINTIFF,
7 PETITIONER, THIRD-PARTY PLAINTIFF, AND PARTY FILING A CROSS CLAIM
8 OR COUNTERCLAIM, WHEN A MONEY JUDGMENT SOUGHT IS FIFTEEN
9 THOUSAND DOLLARS OR MORE BUT DOES NOT EXCEED THIRTY-FIVE
10 THOUSAND DOLLARS AND SUCH ACTION IS COMMENCED IN A COURT OF
11 RECORD OF APPROPRIATE LIMITED JURISDICTION, A FEE IN THE AMOUNT OF
12 ONE HUNDRED FORTY DOLLARS.

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

20 (d) On and after ~~July 1, 2008~~ JANUARY 1, 2019, by each plaintiff,
21 petitioner, third-party plaintiff, and party filing a cross claim or
22 counterclaim filed in a district court of the state, a fee of ~~two hundred~~
23 ~~twenty-four~~ TWO HUNDRED FOURTY-NINE dollars;

24 (5) (g) Each fee collected pursuant to sub subparagraph (A) of
25 subparagraph (III) of paragraph (c) of subsection (1) of this section shall
26 be transmitted to the state treasurer and fifty-four dollars shall be
27 deposited in the judicial stabilization cash fund created in subsection (6)

1 of this section, five dollars shall be deposited in the court security cash
2 fund established pursuant to section 13-1-204, thirty-seven dollars shall
3 be deposited in the justice center cash fund created in paragraph (a) of
4 subsection (7) of this section, and one dollar shall be deposited in the
5 general fund pursuant to section 2-5-119. C.R.S.

6 (g.5) EACH FEE COLLECTED PURSUANT TO SUBSECTION
7 (1)(c)(III.5)(A), (1)(c)(III.5)(C), OR (1)(c)(III.5)(E) OF THIS SECTION
8 SHALL BE TRANSMITTED TO THE STATE TREASURER AND FIVE DOLLARS
9 SHALL BE DEPOSITED IN THE COURT SECURITY CASH FUND ESTABLISHED
10 PURSUANT TO SECTION 13-1-204, THIRTY-SEVEN DOLLARS SHALL BE
11 DEPOSITED IN THE JUSTICE CENTER CASH FUND CREATED IN SUBSECTION
12 (7)(a) OF THIS SECTION, AND ONE DOLLAR SHALL BE DEPOSITED IN THE
13 GENERAL FUND PURSUANT TO SECTION 2-5-119. THE REMAINING BALANCE
14 SHALL BE DEPOSITED IN THE JUDICIAL STABILIZATION CASH FUND CREATED
15 IN SUBSECTION (6) OF THIS SECTION.

16 (h) Each fee collected pursuant to sub subparagraph (B) of
17 subparagraph (III) of paragraph (c) of subsection (1) of this section shall
18 be transmitted to the state treasurer and fifty dollars shall be deposited in
19 the judicial stabilization cash fund created in subsection (6) of this
20 section, five dollars shall be deposited in the court security cash fund
21 established pursuant to section 13-1-204, and thirty-seven dollars shall be
22 deposited in the justice center cash fund created in paragraph (a) of
23 subsection (7) of this section.

24 (h.5) EACH FEE COLLECTED PURSUANT TO SUBSECTION
25 (1)(c)(III.5)(B), (1)(c)(III.5)(D), OR (1)(c)(III.5)(F) OF THIS SECTION
26 SHALL BE TRANSMITTED TO THE STATE TREASURER AND FIVE DOLLARS
27 SHALL BE DEPOSITED IN THE COURT SECURITY CASH FUND ESTABLISHED

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

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

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

17 **SECTION 4. Act subject to petition - effective date -**
18 **applicability.** (1) This act takes effect January 1, 2019; except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within the ninety-day period after final adjournment of the general
22 assembly, then the act, item, section, or part will not take effect unless
23 approved by the people at the general election to be held in November
24 2018 and, in such case, will take effect on January 1, 2019, or on the date
25 of the official declaration of the vote thereon by the governor, whichever
26 is later.

1 (2) This act applies to civil actions filed on or after the applicable
2 effective date of this act.