



A. Statute of Limitations

- **Personal Injury:** Two years. C.R.S. § 13-80-102(1)(a))
- **Property Damage:** Two years. C.R.S. § 13-80-102
- **PIP Subrogation:** Med Pay Subrogation is prohibited by statute in Colorado. C.R.S. § 10-4-635(3)(a) precludes an insurer from bringing either damages or subrogation claims seeking to recover benefits paid under an insured's Med Pay coverage.
- **Wrongful Death:** Two years. C.R.S. § 4-2-725.
- **No-Fault:** Colorado is an at-fault state.
- **Action Against Municipality:** 180 days. C.R.S. § 24-10-109

B. Comparative Negligence

- Colorado operates on modified comparative negligence as governed by C.R.S. 13-21-111.
- Under this law, if any party involved in an accident is determined to have been 50 percent responsible or above, that party forfeits any right to receive compensation for their injuries.
- <https://law.justia.com/codes/colorado/2016/title-13/damages-and-limitations-on-actions/article-21/part-1/section-13-21-111>

C. Joint and Several Liability

- Joint and several liability is one way of holding defendants in a personal injury claim accountable for their conduct. Under joint and several liability, victims of an accident can recover all of the compensation they deserve from any defendant. Colorado abolished this rule in favor of a pro rata rule based on comparative fault.
- <https://www.shouselaw.com/co/personal-injury/joint-several-liability/>

D. Non-Economic Damages

- On April 2019, Governor Jared Polis signed Senate Bill 19-109 into law, increasing Colorado's statutory damages caps for the first time in more than a decade. The law increases damages for noneconomic loss or injuries, derivative noneconomic loss, wrongful death, dram shop/social host matters, and solatium (an alternative damages amount in wrongful death matters).
- The new cap amounts for claims accruing on or before January 1, 2020, are as follows:
 - » For Non-economic Loss or Injury: \$613,760, which can be increased by the court upon clear and convincing evidence to a maximum of \$1,227,530. See R.S. 13-21-102.5(3)(a)² (This is an increase from the previous cap of \$468,010 and \$936,030.)

- » For Derivative Noneconomic Loss or Injury: \$613,760. See R.S. 13-21-102.5(3)(b). (This is an increase from the previous cap of \$468,010.)
- » For Noneconomic Loss in Wrongful Death Actions: \$571,870. See R.S. 12-21-203(1). (This is an increase from the previous cap of \$436,070.)
- » For Dram Shop Act Claims: \$368,260. See R.S. 12-47-801. (This is an increase from the previous cap of \$280,810.)
- » For Solatium Damages: \$114,370. See R.S. 13-21-203.5. (This is an increase from the previous solatium amount of \$68,250.)
- Another important provision in the new law is that it requires that the damages caps be adjusted every two years. This means that on January 1, 2022, and every two years thereafter in perpetuity, Colorado's damages caps will increase again.
- Source: <https://www.lexology.com/library/detail.aspx?g=272c4837-22b0-4b85-bfae-c15eb0a8dd0c>

E. PIP Subrogation

- Med Pay Subrogation is prohibited by statute in Colorado. C.R.S. § 10-4-635(3)(a) precludes an insurer from bringing either damages or subrogation claims seeking to recover benefits paid under an insured's Med Pay coverage.

F. Graves Amendment

- Under the Graves Amendment, the owner of a leased vehicle cannot be held vicariously liable for the negligent operation of that vehicle. This holds true in Colorado as well as decided by *Watson v. Reg'l Transp. Dist.*, 762 P.2d 133 (Colo. 1988) (holding that a driver's negligence may not be imputed to the owner of a vehicle so as to limit an owner's recovery for injuries or damage unless the owner-passenger is independently negligent and that negligence causes the injury).

