

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

SB21-088 be amended as follows:

1 Amend printed bill, page 11, after line 8 insert:

2 **"13-20-1208. Limitations on judgments - definition.** (1) THE
3 MAXIMUM AMOUNT THAT MAY BE RECOVERED FROM ONE OR MORE
4 DEFENDANTS THAT ARE PUBLIC ENTITIES OR PUBLIC EMPLOYEES FOR AN
5 INJURY UNDER THIS PART 12 IS:

6 (a) FOR AN INJURY TO ONE PERSON, THE AMOUNT SPECIFIED IN
7 SECTION 24-10-114 (1)(a)(I); AND

8 (b) FOR AN INJURY TO TWO OR MORE PERSONS, THE AMOUNT
9 SPECIFIED IN SECTION 24-10-114 (1)(a)(II).

10 (2) A PUBLIC ENTITY IS NOT LIABLE EITHER DIRECTLY OR BY
11 INDEMNIFICATION FOR PUNITIVE OR EXEMPLARY DAMAGES OR FOR
12 DAMAGES FOR OUTRAGEOUS CONDUCT, EXCEPT AS OTHERWISE
13 DETERMINED BY A PUBLIC ENTITY PURSUANT TO SECTION 24-10-118 (5).

14 (3) THE MAXIMUM AMOUNT THAT MAY BE RECOVERED FOR AN
15 INJURY UNDER THIS PART 12 FROM ONE OR MORE DEFENDANTS THAT ARE
16 NOT PUBLIC ENTITIES IS:

17 (a) FOR AN INJURY TO ONE PERSON, THE SUM OF THREE HUNDRED
18 EIGHTY-SEVEN THOUSAND DOLLARS, ADJUSTED FOR INFLATION;

19 (b) FOR AN INJURY TO TWO OR MORE PERSONS, THE SUM OF ONE
20 MILLION NINETY-THREE THOUSAND DOLLARS, ADJUSTED FOR INFLATION;
21 EXCEPT THAT A PERSON MAY NOT RECOVER IN EXCESS OF THE AMOUNT SET
22 FORTH IN SUBSECTION (3)(a) OF THIS SECTION.

23 (4) (a) THE SECRETARY OF STATE SHALL ADJUST LIMITATIONS ON
24 DAMAGES SET FORTH IN SUBSECTION (3) OF THIS SECTION FOR INFLATION
25 AS OF JANUARY 1, 2022, AND AS OF JANUARY 1 OF EACH YEAR
26 THEREAFTER. THE ADJUSTMENTS MADE PURSUANT TO THIS SUBSECTION
27 (4) MUST BE ROUNDED UPWARD OR DOWNWARD TO THE NEAREST
28 TEN-DOLLAR INCREMENT.

29 (b) THE SECRETARY OF STATE SHALL CERTIFY THE ADJUSTED
30 LIMITATION ON DAMAGES WITHIN FOURTEEN DAYS AFTER THE
31 APPROPRIATE INFORMATION IS AVAILABLE, AND SUCH ADJUSTED
32 LIMITATION ON DAMAGES SHALL BE THE LIMITATION APPLICABLE TO ALL
33 CLAIMS FOR RELIEF THAT ACCRUE ON OR AFTER JANUARY 1, 2022.

34 (c) AS USED IN THIS SUBSECTION (4), "INFLATION" MEANS THE
35 ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF
36 LABOR BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR
37 DENVER-BOULDER FOR ALL ITEMS AND ALL URBAN CONSUMERS, OR ITS
38 SUCCESSOR INDEX.

39 (5) A MANAGING ORGANIZATION OR EDUCATIONAL ENTITY IS NOT
40 LIABLE, EITHER DIRECTLY OR BY INDEMNIFICATION, FOR PUNITIVE OR

1 EXEMPLARY DAMAGES.

2 (6) FOR THE PURPOSES OF SUBSECTIONS (1) AND (3) OF THIS
3 SECTION, AN ASSIGNMENT OR SUBROGATION TO RECOVER DAMAGES PAID
4 OR PAYABLE FOR AN INJURY DOES NOT GIVE RISE TO A SEPARATE INJURY.

5 (7) NOTHING IN THIS SECTION PERMITS THE RECOVERY OF
6 DAMAGES FOR AN ACTION AUTHORIZED PURSUANT TO PART 2 OF ARTICLE
7 21 OF THIS TITLE 13 IN AN AMOUNT IN EXCESS OF THE AMOUNTS SPECIFIED
8 IN ARTICLE 21 OF THIS TITLE 13."

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