

RULES – UNDER REVIEW

APRIL 22, 2019

BUSINESSOWNERS
GENERAL LIABILITY

LI-BP-2019-035
LI-GL-2019-129

COLORADO S.B. 109 CONCERNING LIMITATIONS ON DAMAGES ADJUSTED FOR INFLATION UNDER REVIEW

KEY MESSAGE

Based on our initial review, we anticipate submitting rules revisions on or around 06/01/2019.

Potential Applicable LOB(s): Businessowners, General Liability

INITIAL REVIEW

CAUTION:

THIS INFORMATION IS PROVIDED IN ORDER TO MAKE YOU AWARE, AS EARLY AS POSSIBLE, OF THE BELOW DEVELOPMENTS AND THE NATURE OF EXPECTED CHANGES. THIS IS A PRELIMINARY ANALYSIS ONLY AND IS SUBJECT TO CHANGE AS WE GATHER MORE INFORMATION OR NEW DEVELOPMENTS EMERGE. WE URGE YOU TO USE THIS INFORMATION ACCORDINGLY.

2019 Colo. Sess. Laws ____ (former S.B. 109), which is anticipated to become effective August 2, 2019, amends, in part, Colorado Revised Statutes 44-3-801(6)(a) in connection with liquor liability. Paragraph (6)(a) is amended in the following excerpt, as illustrated with deleted text struck through and new text underlined: "(6)(a) The limitations on damages set forth in subsections (3)(c) and (4)(c) of this section ~~shall~~MUST be adjusted for inflation as of January 1, 1998, ~~and~~ January 1, 2008, JANUARY 1, 2020, AND EACH JANUARY 1 EVERY TWO YEARS THEREAFTER. The adjustments made on January 1, 1998, ~~and~~ January 1, 2008, ~~shall~~JANUARY 1, 2020, AND EACH JANUARY 1 EVERY TWO YEARS THEREAFTER MUST be based on the cumulative annual adjustment for inflation for each year since the effective date of the damages limitations in subsections (3)(c) and (4)(c) of this section. The adjustments made pursuant to this subsection (6)(a) ~~shall~~MUST be rounded upward or downward to the nearest ten-dollar increment."

Based on our initial review of 2019 Colo. Sess. Laws ____ (former S.B. 109), we anticipate revising various Businessowners and General Liability Rules concerning liquor liability.

FUTURE ACTION

After additional consideration, we will advise you of the following via a subsequent circular:

- Filing and/or implementation information.
- If we determine that we no longer plan to make the program revisions outlined above.

We will include information on the status of this topic in:

- The Summary Of Laws, Regulations And Court Decisions circulars.
- The ISOnet Legislative Monitoring product, which can be found at <https://www5.iso.com/lmon>.

CONTACT INFORMATION

If you have any questions concerning:

- The content of this circular, please contact:
Shawn Olivacce
Compliance & Product Services – Liability
201-469-2800
liability@verisk.com
Shawn.Olivacce@verisk.com
- Other issues for this circular, please contact Customer Support:
E-mail: info@verisk.com
Phone: 800-888-4476

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