



COLORADO  
WATER CONGRESS  
INFORM | CONVENE | TRAIN | ACT

## SB22-115

**SHORT TITLE:** Clarifying Terms Related to Landowner Liability

**LONG TITLE:** Concerning clarifying certain terms as the terms relate to a landowner's liability.

**SPONSORS:** Senators Jaquez Lewis and Gardner/Representatives Soper and Tipper

**COMMITTEES:** Senate Judiciary Committee

**PURPOSE OF THE BILL:** To clarify certain terms relating to landowner liability from the holding in *Rocky Mountain Planned Parenthood, Inc. v. Wagner*

**PROPONENTS OF THE BILL:** Owners of real property who are concerned about liability arising from criminal acts of a third party that cause injury to another person on the premises depending on the status of the injured party

**POTENTIAL STAKEHOLDERS:** Owners of real property

**BACKGROUND:** A landowner is defined in the current statute as including one who is in control of the premises. Landowners owe a duty of care to persons injured on their premises depending on several factors, including whether the conditions leading to the injury were foreseeable. In *Rocky Mountain Planned Parenthood, Inc. v. Wagner* the trial court had found that the criminal act of a third party was the predominant cause of injury. The Court of Appeals overturned the finding based on its conclusion that the landowners' activities were controversial and thus the criminal act should have been foreseeable and thus the criminal act was not the predominant cause of injury. The Colorado Supreme Court upheld the Court of Appeals, holding the landowner (Rocky Mountain Planned Parenthood) liable.

**Is the bill necessary this year?** Many lawyers believe this is necessary to protect property owners due improper application of Colorado statute on landowner liability

**How does the bill change current law?** It restores landowner liability protection to that expressed in current statute by stating that the decision in *Rocky Mountain Planned Parenthood, Inc. v. Wagner* should not be relied upon to the extent that 1) The foreseeability of third-party criminal conduct based upon whether the goods or services offered by a landowner are controversial; and 2) That a landowner could be held liable as a substantial factor in causing harm without considering whether a third-party criminal act was the predominant cause of that harm. It expressly states that the doctrine of attractive nuisance as applied to persons under the age of 14 is not affected.

**How is the bill implemented?** This is a direction to the court to be applied in future cases, and as such is self-executing.

**Does the bill affect prior appropriations?** No

**Fiscal Impact:** No fiscal note