

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0597.01 Megan Waples x4348

**HOUSE BILL 19-1145**

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**HOUSE SPONSORSHIP**

**Tipper and Jaquez Lewis,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING AN EXEMPTION FOR A JUDGMENT DEBTOR'S PRIMARY**  
102                    **RESIDENCE FROM A LIEN ARISING FROM A JUDGMENT FOR**  
103                    **MEDICAL DEBT.**

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**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>.)*

The bill exempts a person's primary residence from attachment or execution of a lien as the result of a judgment for medical debt. A person recording a transcript of judgment must record an affidavit with the transcript stating that the signer is an authorized agent of the judgment creditor and whether the judgment is for medical debt. A judgment debtor

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.

may record an affidavit with the county stating the debtor's name, a description of the debtor's interest in the property, and that the property is the debtor's primary residence. A primary residence is defined as a person's dwelling place and includes the dwelling, the lot or lots on which the dwelling is situated, including a farm of any number of acres, and any appurtenances.

The bill takes effect on January 1, 2020, and applies to judgments entered on or after that date.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 13-54-101, **amend**  
3 the introductory portion; and **add** (4.5) and (4.7) as follows:

4 **13-54-101. Definitions.** As used in this ~~article~~ ARTICLE 54, unless  
5 the context otherwise requires:

6 (4.5) "MEDICAL DEBT" MEANS ANY OBLIGATION OR ALLEGED  
7 OBLIGATION OF A PERSON TO PAY MONEY ARISING OUT OF THE PROVISION  
8 OF HEALTH CARE SERVICES AS DEFINED IN SECTION 10-16-102 (33).

9 (4.7) "PRIMARY RESIDENCE" MEANS THE DWELLING PLACE OF A  
10 JUDGMENT DEBTOR AND INCLUDES, IF OWNED BY THE JUDGMENT DEBTOR:

11 (a) A HOUSE, MANUFACTURED HOME, MOBILE HOME, TRAILER,  
12 TRAILER COACH, OR OTHER DWELLING PLACE;

13 (b) THE LOT OR LOTS UPON WHICH THE DWELLING IS SITUATED,  
14 INCLUDING AN AGRICULTURAL OPERATION OR FARM CONSISTING OF ANY  
15 NUMBER OF ACRES; AND

16 (c) ANY APPURTENANCES.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 13-54-102.3 as  
18 follows:

19 **13-54-102.3. Primary residence - exemption for judgment for**  
20 **medical debt.** (1) THE PRIMARY RESIDENCE OF A JUDGMENT DEBTOR IS  
21 EXEMPT FROM ATTACHMENT OR EXECUTION IF THE WRIT OF ATTACHMENT

1       OR EXECUTION IS ISSUED AS A RESULT OF A JUDGMENT FOR MEDICAL DEBT.  
2       THE EXEMPTION IS CREATED AND MAY BE CLAIMED IF THE REQUIREMENTS  
3       OF THIS SUBSECTION (1) ARE MET.

4               (2) A JUDGMENT DEBTOR MAY RECORD IN THE OFFICE OF THE  
5       COUNTY CLERK AND RECORDER OF THE COUNTY WHERE THE JUDGMENT  
6       DEBTOR'S PRIMARY RESIDENCE IS SITUATED AN AFFIDAVIT DESCRIBING THE  
7       PROPERTY, SETTING FORTH THE JUDGMENT DEBTOR'S INTEREST IN THE  
8       PROPERTY, AND STATING THAT THE PROPERTY IS THE JUDGMENT DEBTOR'S  
9       PRIMARY RESIDENCE.

10              (3) THE HOLDER OF A PURCHASE MONEY MORTGAGE AGAINST A  
11       PROPERTY HAS PRIORITY OVER A LIEN ARISING FROM A JUDGMENT FOR  
12       MEDICAL DEBT REGARDLESS OF THE RECORDING DATE OF THE TRANSCRIPT  
13       OF THE JUDGMENT RECORD.

14              **SECTION 3.** In Colorado Revised Statutes, 13-52-102, **amend**  
15       (1); and **add** (5) as follows:

16              **13-52-102. Property subject to execution - lien - real estate.**

17       (1) (a) All goods and chattels, lands, tenements, and real estate of every  
18       person against whom any judgment is obtained in any court of record in  
19       this state, either at law or in equity, or against whom any foreign  
20       judgment is filed with the clerk of any court of this state in accordance  
21       with ~~the provisions of the "Uniform Enforcement of Foreign Judgments~~  
22       Act" pursuant to article 53 of this ~~title~~ TITLE 13, which judgment, in either  
23       case, is for any debt, damages, costs, or other sum of money are liable to  
24       be sold on execution to be issued upon such judgment. A transcript of the  
25       judgment record of such judgment, certified by the clerk of such court,  
26       may be recorded in any county; and from the time of recording such  
27       transcript, and not before, the judgment ~~shall become~~ BECOMES a lien

1 upon all the real estate, not exempt from execution in the county where  
2 such transcript of judgment is recorded, owned by such judgment debtor  
3 or which such judgment debtor may afterwards acquire in such county,  
4 until such lien expires. The lien of such judgment shall expire six years  
5 after the entry of judgment unless, prior to the expiration of such six-year  
6 period, such judgment is revived as provided by law and a transcript of  
7 the judgment record of such revived judgment, certified by the clerk of  
8 the court in which such revived judgment was entered, is recorded in the  
9 same county in which the transcript of the original judgment was  
10 recorded, in which event the lien ~~shall continue~~ CONTINUES for six years  
11 from the entry of the revived judgment. A lien may be obtained with  
12 respect to a revived judgment in the same manner as an original judgment  
13 and the lien of a revived judgment may be continued in the same manner  
14 as the lien of an original judgment. The lien of any judgment ~~shall expire~~  
15 EXPIRES if the judgment is satisfied or considered as satisfied as provided  
16 in this section. The lien created by recording a notice of lien of a  
17 judgment for child support or maintenance or arrears thereof or child  
18 support debt pursuant to section 14-10-122 ~~C.R.S.~~, ~~shall be~~ IS governed  
19 by such section. The lien created by recording a transcript of an order for  
20 restitution pursuant to section 16-18.5-104 (5)(a) ~~C.R.S.~~, ~~shall be~~ IS  
21 governed by article 18.5 of title 16. ~~C.R.S.~~

22 (b) A PERSON RECORDING A TRANSCRIPT OF THE JUDGMENT  
23 RECORD IN ACCORDANCE WITH SUBSECTION (1)(a) OF THIS SECTION FOR A  
24 JUDGMENT ENTERED ON OR AFTER JANUARY 1, 2020, SHALL RECORD WITH  
25 THE TRANSCRIPT AN AFFIDAVIT, SIGNED UNDER PENALTY OF PERJURY,  
26 STATING THAT THE SIGNER IS AN AUTHORIZED AGENT OF THE JUDGMENT  
27 CREDITOR AND INDICATING WHETHER THE JUDGMENT IS FOR THE

1 COLLECTION OF MEDICAL DEBT AS DEFINED IN SECTION 13-54-101 (4.5).

2 (5) ANY PERSON, INCLUDING A TITLE INSURANCE COMPANY AS  
3 DEFINED BY ARTICLE 11 OF TITLE 10, WHO MAKES REPRESENTATIONS  
4 CONCERNING THE EXISTENCE OF A JUDGMENT LIEN IS ENTITLED TO RELY  
5 ON THE AFFIDAVIT RECORDED IN ACCORDANCE WITH SUBSECTION (1)(b)  
6 OF THIS SECTION TO DETERMINE WHETHER THE JUDGMENT IS FOR MEDICAL  
7 DEBT AND ON A CURRENT AFFIDAVIT RECORDED IN ACCORDANCE WITH  
8 SECTION 13-54-102.3 (2) TO DETERMINE WHETHER A PROPERTY IS A  
9 JUDGMENT DEBTOR'S PRIMARY RESIDENCE, AS DEFINED IN SECTION  
10 13-54-101 (4.7), UNLESS THE PERSON HAS ACTUAL KNOWLEDGE THAT THE  
11 STATEMENTS IN EITHER AFFIDAVIT ARE INCORRECT.

12 **SECTION 4. Act subject to petition - effective date -**  
13 **applicability.** (1) This act takes effect January 1, 2020; except that, if a  
14 referendum petition is filed pursuant to section 1 (3) of article V of the  
15 state constitution against this act or an item, section, or part of this act  
16 within the ninety-day period after final adjournment of the general  
17 assembly, then the act, item, section, or part will not take effect unless  
18 approved by the people at the general election to be held in November  
19 2020 and, in such case, will take effect on the date of the official  
20 declaration of the vote thereon by the governor.

21 (2) This act applies to judgments entered on or after the applicable  
22 effective date of this act.