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2026 Legislative Update

Colorado Defense Lawyers Association

CDLA Legislative Director

"A Director shall be elected to serve a term of two years beginning and ending at the Annual Meeting of the Board of Directors in September each year. He or she will be responsible for all legislative policy and action of the Association and to act as the chairperson of the Legislative Committee."

- Position will open again at the end of next year
- Board approval is required before CDLA taking any position on legislation
  - CDLA rarely takes formal legislative positions

Colorado Civil Justice League

CCJL is a nonpartisan organization with members in manufacturing, automotive, energy, health care, insurance, construction, entertainment, finance, legal and small business.

- Mission: A balanced and efficient civil justice system for all
- Vision: A Colorado where laws protect against abusive claims and courts adhere to the rule of law
- Focuses on bills that expand private causes of action, increase damages, award attorneys' fees, and allow for penalties or punitive damages
- Membership and Benefits:
  - Legal Advisory Board (LAB) and Amicus Brief Group
  - Access to Lobbyists (Currently Amy Attwood and Sarah Orrange)
  - CDLA has one Board seat on CCJL

CCJL
Colorado Civil Justice League

Status of the Legislature

- Democratic Majority in Both Chambers
- Senate – 23 Democrats and 12 Republicans
  - (35 total seats)
- House of Representatives – 43 Democrats and 22 Republicans
  - (65 total seats)
- Moderate democratic caucuses are forming in response to increasingly progressive policies
  - Colorado Opportunity Caucus (“COC”)

75th General Assembly Session

- January 14, 2026 - May 13, 2026
- 626 pieces of legislation considered
  - Slightly less than the preceding two years
- About 180 bills defeated
- Final year of Governor Polis's term

LEGISLATIVE STATISTICAL SUMMARY

	2026		2025		2024	
	Intro	Passed	Intro	Passed	Intro	Passed
House Bills	433	324	335	216	472	358
Senate Bills	193	125	322	271	233	167
Concurrent Resolutions	7	0	5	0	9	3
Bills signed by Governor	436		476		519	
Bills becoming law without Governor's signature	0		0		0	
Bills partially vetoed by the Governor	0		0		0	
Bills vetoed by the Governor	12		11		6	
Bills referred to the People/Ballot questions	1		2		2	

Bills Vetoed by the Governor:

H.B. 26-1005	H.B. 26-1236	H.B. 26-1286	S.B. 26-005	S.B. 26-146
H.B. 26-1210	H.B. 26-1255	H.B. 26-1355	S.B. 26-134	S.B. 26-147
		H.B. 26-1418		S.B. 26-184

Bills Becoming Law Without Governor's Signature:

none

Bills with Portions Vetoed by the Governor:

none

Major Trends and Factors This Session

Budget Concerns

- The 2026–27 budget totals $495 billion, including $18.64 billion in General Fund obligations —slightly higher than both the current and prior fiscal years
- Up to $15B budget shortfall statewide largely due to growth in state Medicaid population and expiration of federal COVID relief funds
- Trend is to allow the privatizing of enforcement when budget is poorly maintained
- Bills with fiscal notes were generally de-prioritized and bills with private rights of action were promoted
- Budget was not resolved until the final weeks of session

Reactionary to Federal Policy

Concerns about federal overreach were less prominent in 2026 than in 2025, but several bills addressed the issue.

- Strengthening state immunization laws (SB36- 032)
- Clarifying citizens' rights to sue over immigration enforcement actions (SB25-005)
- Clarifying the relationship between law enforcement and immigration authorities (HB26-1276)
- Strengthening state election laws (HB26-1113)
- "No Kings" bill (SB26- 176), would have expanded citizens' ability to sue public officials

Expanding the CCPA to Include New Private Causes of Action

- The biggest year ever for expansion of the Colorado Consumer Protection Act ("CCPA") and the definition of "deceptive trade practices" to create private causes of action
- Creates and incentivizes avenues for trebling of damages and attorneys' fees and costs
- Record number of new CCPA and Deceptive Trade Practices bills
- Relentless submission of bills that permit and promote new CCPA claims

Legislation Affecting the Defense Bar

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HB26-1236- Arbitration Reform

Would have modified the requirements for arbitration agreements and proceedings under the Colorado Uniform Arbitration Act Would have:

- Voided and made unenforceable any arbitration agreement provision that waives a party's ability to participate in a representative action when the parties are an employer and employee or a merchant and consumer
- Limited arbitration fees and costs charged to employees or consumers to the same fees and costs required by state or federal courts to file a claim, making any contrary provision void and unenforceable
- Required arbitrators not to have a rule, policy, procedure, or demonstrated pattern of conduct that violates neutrality and permitted an award of exemplary damages in arbitration and created penalties for delays in satisfying awards
- This bill was advocated for by employment attorneys out of California and was heavily opposed by the business and judicial communities
- Ultimately passed but was vetoed by Gov Polis

HB26-1236- Price Surveillance & Wage Setting

- The bill would have prohibits using certain computational processes to set prices or wages based on surveillance data regarding a consumer or worker
- Violations considered deceptive trade practices under the Colorado Consumer Protection Act, allowing the Department of Law (DOL), district attorneys, or affected individuals to bring civil actions
- Vetoed by Gov Polis

HB26-1012- Consumer Protections to Promote Fair Market Pricing

- The bill requires that when a person sells goods for delivery, they must disclose a comparison of the total price of the delivered goods and the total price of the goods available for purchase on-site at the point of sale
- Sought to limit alleged price inflation in “captive audience” settings like airports, hospitals and stadiums by tying prices to local market averages and requiring delivery platforms to disclose delivery pricing versus what might be charged in-store
- Charging unreasonably excessive prices to a captive consumer constitutes an unfair or deceptive trade practice under the "Colorado Consumer Protection Act”
- Postponed indefinitely in its first committee hearing

HB26-1054- Protections for Worker Safety- The “State OSHA” Bill

- Would have established state occupational health and safety regulations if the federal Occupational Safety and Health Act (OSHA) was repealed
- Responsive to federal policy
- Courts would be able to order employers who violate the bill or rules to pay statutory damages to individuals harmed by the violations
- May also impose penalties for each violation up to $70,000 per violation
- Defeated on third reading in Senate

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HB 26-1247- Property Insurance Appraisal Claims and Claims Dispute

- Would have required all homeowner's insurance policies to include a clause that authorizes an insurer or an insured to invoke a mandatory and binding appraisal process to settle disputes over the amount of loss, causation, or necessary scope of repair or replacement of property
- Would have established the requirements for the appraisal process, the eligible participants, timelines, and how costs are divided
- Insurance companies that willfully or repeatedly violate the appraisal clause commit an unfair method of competition and engage in unfair or deceptive trade practices in the business of insurance
- Heavily opposed by the insurance industry and defeated

Private Actions Against Government Actors

SB26-176- “No Kings Act”

- Would have allowed residents to sue federal and local officials in state court for constitutional rights violations
- The legislation died in the Senate Judiciary Committee on a 4-3 vote on May 4, 2026, following opposition from local governments

SB26-05- Rights Violation in Immigration Enforcement Remedy

- Would have allowed individuals to sue federal immigration officers and other officials for violating their constitutional rights during civil enforcement actions
- Passed the legislature and was vetoed on June 3, 2026

Bills that Actually Became Law

HB26-1288- Voir Dire Reform

- Initial draft was provided through the Colorado Trial Lawyers Association, with Kevin Cheney as the driving force. Initial draft:
    1. **Created, mandatory 1-hour voir dire per party in all proceedings**
    2. **Removed the ability of the Court to rehabilitate any witnesses demonstrating any indicia of bias or prejudice.**
    3. **Created mandatory jury questionnaires in all proceedings**
- "A Solution in Search of a Problem"
- The unspoken purpose of his bill was to allow extensive juror conditioning and fact testing in large BI cases

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HB26-1288- Voir Dire Reform (Cont.)

- Opposed by judiciary and several business groups
- Bill was passed as a "strike below" and transformed into a working group/study bill
- As passed, establishes a Jury Selection Working Group within the Judicial Department This working group is tasked with identifying best practices for the time allocated to attorneys during voir dire, juror rehabilitation, reducing bias in jury selection, and training for judges and lawyers
- One representative of CDLA will be part of the working group, and John Palmeri has agreed to step into the role

HB 26-1272- Extreme Temperature Bill

- Employers of workers exposed to extreme temperatures would have to develop and submit an initial Temperature-Related Injury and Illness Prevention Plan (TRIIPP) to the Division of Labor Standards and Statistics
- Must monitor workplace temperature conditions and access to potable drinking water, shade, and appropriate cool-down or warm-up rest areas
- Employers ensure all affected workers receive proper training on temperature safety and injury prevention
- Employers required to submit updated TRIIPPs according to procedures established by the Division and face penalties for failing to provide adequate worker training
- CCJL worked closely with members to amend the bill significantly, removing all employer mandates. As passed, the bill mandates that the Colorado Department of Labor and Employment begin collecting data on temperature-related injuries, illnesses, and emergencies at worksites in the state by January 15, 2027

HB 26-1421 – Legal Practice Integrity & Fee-Sharing Prohibition Act

- The bill bans certain financial arrangements between lawyers and nonlawyers related to legal service fees
- Lawyers and firms cannot allocate any portion of legal fees or other financial benefits from legal services to nonlawyers or alternative business structures, as defined in the bill
- Although the business community and plaintiffs' bar rarely agree, both sides concurred that allowing non-party "investors" to interfere with litigation resolution could harm plaintiffs and defendants CCJL supported the bill, and legislators approved it

SB 174 – Prohibit Lead Generation Legal Marketing

- Effective June 3, 2026, this bill makes the buying and selling of legal leads a deceptive trade practice in Colorado
- It prohibits law firms and lawyers from paying third parties for a client’s contact info or legal issues, penalizing both the lead generation vendor and the buyer
- Creates civil and criminal penalties of up to $10,000 per violation

Political Considerations

- Gov Polis vetoed 11 bills last session, and 12 this session
- Largely problematic progressive leaning bills
  - Arbitration Reform
  - Surveillance Pricing
  - Suits against immigration officials
- Some Democrat legislators have stated that some of the more progressive bills will be coming back 2027 when a more progressively viewed Democratic governor will be in office (very likely Phil Weiser)

Takeaway

- Budget constraints kept a lot of bad legislation at bay
- Nevertheless, a lot of bad legislation introduced
- However, very little actually passed, and of that, very little affects the defense bar directly

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Questions?

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