



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 26-1218: CLARIFYING VALIDITY OF COMMON LAW MARRIAGE

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**Prime Sponsors:**

Rep. Espenosa; Luck  
Sen. Catlin; Ball

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**Fiscal note status:** This fiscal note reflects the reengrossed bill. This bill was recommended by the Statutory Revision Committee.

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### Summary Information

**Overview.** This bill reinstates a previously repealed statutory provision to not invalidate valid common law marriages.

**No fiscal impact.** The bill has no fiscal impact on state or local government.

**Appropriations.** No appropriation is required.

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**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

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## Summary of Legislation

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[Senate Bill 25-014](#) repealed a provision of law that stated certain marriage formality requirements do not invalidate an otherwise valid common law marriage. This bill reinstates that previously repealed statutory provision to not invalidate valid common law marriages. Specifically, if two people had a valid common law marriage prior to September 1, 2006, it remains valid. If they entered into a common law marriage on or after September 1, 2006, it remains valid as long as it meets the current legal requirements in statute.

## Background

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The [Statutory Revision Committee](#) is charged with examining statutes of state and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

## Assessment of No Fiscal Impact

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This bill reinstates a previously repealed statutory provision clarifying the validity of common law marriages. It does not create new legal rights, or impose new requirements on state or local government entities. For this reason, the bill is assessed as having no fiscal impact.

## Effective Date

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The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## State and Local Government Contacts

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County Clerks

Public Health and Environment

Judicial

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).