
Is opt out limited to residents or domiciliaries of the state? Yes. Colo. Rev. Stat. § 13-54-107: “[T]he exemptions in [§ 522(d)] are denied to residents of this state. Exemptions authorized to be claimed by residents of this state shall be limited to those exemptions expressly provided by the statutes of this state.”

Do state’s exemptions have extraterritorial application?


Scope: Compensation paid or payable to an individual employee or independent contractor for personal labor or services. Also includes various insurance, disability, and other benefits.

Amount: The lesser of 80% of disposable earnings or the amount by which disposable earnings exceed 40 times the state or federal minimum wage. Disposable earnings are defined as those left after certain voluntary health insurance deductions, as well as legally required taxes, and so forth. A higher percentage of earnings may be garnished to recover overpayments of certain state benefits.

Survival after payment/deposit: Not specified in exemption statute.

Waiver: Not specified in exemption statute.


Amount: $75,000 in a residence, or $105,000 if owner, spouse, or dependent is elderly (defined as age 60 or older) or disabled. Colo. Rev. Stat. § 38-41-201. Manufactured homes explicitly included. Colo. Rev. Stat. §§ 38-41-201.5, 38-41-201.6.


Waiver: Permitted.


Household goods: $3000 in household goods; $600 in food and fuel. Nonexclusive list of household goods includes computers, sound systems, cameras, bicycles, fax machines, and toys, as well as the usual furniture, dishes, and so forth. Colo. Rev. Stat. § 13-54-102.

Motor vehicles: $7500 in vehicles or bicycles ($12,500 if elderly or disabled). Explicitly excludes snowmobiles, ATVs, golf carts, boats or other watercraft, travel trailers, tent trailers, or motor homes. Colo. Rev. Stat. § 13-54-102.

Tools of trade: $30,000 in tools of trade; primary occupation only. May not be stacked with motor vehicle exemption. $50,000 in farm tools, equipment, animals, crops, dairy products, and agricultural products; married couple engaged in farming may claim only one farm equipment exemption. May not be stacked with tools of trade exemption. Colo. Rev. Stat. § 13-54-102.


Waiver: Waived by failure to timely claim.


Public benefits: Tax refund attributable to earned income credit or child tax credit. See also Colo. Rev. Stat. § 26-2-131 (public assistance is exempt).

Pensions, retirement plans, and annuities: Military pensions. Various private retirement plans, including ERISA plans and IRAs. Public or private disability benefits due or any proceeds thereof, not otherwise provided for under law, up to $4000 per month. Claims or proceeds in excess of this amount are treated like wages. For certain types of debts (child support debt or arrearages; restitution for theft, embezzlement, or misappropriation of certain public funds; and certain willful violations of fiduciary duty to a public pension fund), public and private pensions are treated as earnings for calculating garnishment limits. Colo. Rev. Stat. § 13-54-102, 13-54-104.

Insurance, judgments, or other compensation for injury: $250,000 in cash surrender value of certain insurance; proceeds of certain life insurance. (Increased amount for writs of attachment or execution issued after November 1, 2017. Former $100,000 exemption applies to writs issued before that date.) Applies only to policies owned by debtor for a continuous 48 months or more and does not apply to any increases in cash value resulting from contributions in excess of those required by the policy during those 48 months. Insurance proceeds for loss of or damage to exempt property. Crime victim reparation. Periodic payments to compensate for the loss of future earnings are exempt to the same extent as wages. Colo. Rev. Stat. § 13-54-102, 13-54-104. Personal injury damages (except as to obligations incurred for such injuries or the collection of such damages). Colo. Rev. Stat. § 13-64-210.

Bank accounts: Not specified in exemption statute.

Alimony, child support: Child support payments (but exemption lost if commingled with other funds; if deposited in bank must be in special purpose account). Colo. Rev. Stat. § 13-54-102.5.

Tax refunds: State or federal tax refunds attributable to the earned income tax credit or child tax credit. Colo. Rev. Stat. § 13-54-102(1)(o).

Survival after payment or deposit: Not specified (except for child support provisions described above). Construing the current version of the retirement plan exemption, the Tenth Circuit held that funds lose their exempt status when paid to the retiree. See In re Gordon, 791 F.3d 1182 (10th Cir. 2015).

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