

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 26, 2018  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB18-1303 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 21, strike "AND".
- 2 Page 2, strike lines 22 and 23.
- 3 Page 3, strike lines 1 through 15 and substitute:

4           (b) THE YOUTH SPORTS ORGANIZATION DOES NOT HAVE THE  
5 RIGHT TO CONTROL THE MEANS AND METHODS BY WHICH THE COACH  
6 PROVIDES COACHING SERVICES. FOR THE PURPOSE OF DETERMINING  
7 WHETHER THE YOUTH SPORTS ORGANIZATION IS EXERCISING CONTROL,  
8 THE ANALYSIS TO DETERMINE IF THE COACH IS AN EMPLOYEE DOES NOT  
9 INCLUDE ANY REQUIREMENT OF A YOUTH SPORTS GOVERNING BODY.

10           (c) THE COACH IS NOT ECONOMICALLY DEPENDENT ON INCOME  
11 FROM PART-TIME YOUTH SPORTS COACHING OR IS EMPLOYED IN A  
12 FULL-TIME COVERED EMPLOYMENT POSITION; AND

13           (d) THE SERVICES OF THE COACH MAY NOT BE TERMINATED  
14 EXCEPT FOR BREACH OF THE AGREEMENT, FAILURE TO MEET THE  
15 REQUIREMENTS OF A YOUTH COACH GOVERNING BODY, OR FAILURE TO  
16 MEET GENERALLY ACCEPTED STANDARDS OF CONDUCT WITHIN THE  
17 INDUSTRY.

18           (2) IF IT IS DEMONSTRATED TO THE DIVISION THAT THE  
19 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION ARE MET, THE COACH  
20 SHALL BE CONSIDERED AN INDEPENDENT CONTRACTOR FOR THE PURPOSES  
21 OF THIS SECTION AND NOT IN COVERED EMPLOYMENT OR ENTITLED TO ANY

1 BENEFITS IN ACCORDANCE WITH THE "COLORADO EMPLOYMENT SECURITY  
2 ACT", ARTICLES 70 TO 82 OF THIS TITLE 8.  
3 (3) AS USED IN THIS SECTION UNLESS THE CONTEXT OTHERWISE  
4 REQUIRES:  
5 (a) "NONPROFIT YOUTH SPORTS".

6 Page 3, after line 20 insert:

7 "(b) "COACH" MEANS AN INDIVIDUAL WHO:  
8 (I) PERFORMS SERVICES PURSUANT TO A WRITTEN AND SIGNED  
9 CONTRACT THAT COMPLIES WITH THE REQUIREMENTS SET FORTH IN THIS  
10 SECTION; AND  
11 (II) PERFORMS COACHING SERVICES FIFTEEN HOURS OR LESS IN  
12 ANY CONSECUTIVE SEVEN-DAY PERIOD."

13 Page 3, before line 21 insert:

14 "(4) THIS SECTION DOES NOT ALTER OR DIMINISH OTHERWISE  
15 APPLICABLE EXEMPTIONS FROM COVERED EMPLOYMENT FOR THE  
16 FOLLOWING:  
17 (a) SERVICES PERFORMED IN THE EMPLOY OF THE STATE OF  
18 COLORADO, A POLITICAL SUBDIVISION, OR AN INDIAN TRIBE, OR AN  
19 INSTRUMENTALITY OF THE STATE, A POLITICAL SUBDIVISION, OR AN  
20 INDIAN TRIBE IF THE SERVICE IS EXCLUDED FROM EMPLOYMENT AS  
21 DEFINED IN THE "FEDERAL UNEMPLOYMENT TAX ACT", 26 U.S.C. 3301 ET  
22 SEQ.; OR  
23 (b) SERVICES PERFORMED IN THE EMPLOY OF A RELIGIOUS,  
24 CHARITABLE, EDUCATIONAL, OR OTHER ORGANIZATION THAT IS EXCLUDED  
25 FROM EMPLOYMENT AS DEFINED IN THE "FEDERAL UNEMPLOYMENT TAX  
26 ACT".

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