

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-1047.01 Christy Chase x2008

HOUSE BILL 18-1308

HOUSE SPONSORSHIP

Kraft-Tharp and Becker J., Arndt, Liston

SENATE SPONSORSHIP

Hill and Kagan, Kefalas, Kerr, Moreno, Priola, Scott

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN EXEMPTION FROM THE "WORKERS' COMPENSATION**
102 **ACT OF COLORADO" FOR NONRESIDENT EMPLOYERS WHOSE**
103 **EMPLOYEES ARE TEMPORARILY WORKING IN COLORADO.**

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 establishes an exemption from the "Workers' Compensation Act of Colorado" for an out-of-state employer whose employees are working in Colorado on a temporary basis as long as:

! The employer furnishes coverage under the workers' compensation laws of the state in which the employee is

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.

regularly employed, which coverage applies to the employee while working temporarily in Colorado; and

! The employer's home state is contiguous to Colorado, recognizes the exemption, and provides a reciprocal exemption for Colorado employees temporarily working in that state.

The home state's workers' compensation laws are the sole remedy for an out-of-state worker who is injured while working temporarily in Colorado.

The division of workers' compensation in the department of labor and employment is authorized to enter into an agreement with a contiguous state to carry out the extraterritorial application of the workers' compensation or similar law of the other state.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 8-41-212 as
3 follows:

4 **8-41-212. Exemptions - laws of other state furnish exclusive**
5 **remedy - definitions.** (1) AN EMPLOYEE WHO WAS HIRED OR IS
6 REGULARLY EMPLOYED OUTSIDE OF COLORADO BY AN OUT-OF-STATE
7 EMPLOYER AND THE OUT-OF-STATE EMPLOYER OF THE EMPLOYEE ARE
8 EXEMPT FROM ARTICLES 40 TO 47 OF THIS TITLE 8 WHILE THE EMPLOYEE
9 IS TEMPORARILY WORKING FOR THE OUT-OF-STATE EMPLOYER WITHIN
10 COLORADO IF:

11 (a) THE OUT-OF-STATE EMPLOYER HAS FURNISHED COVERAGE
12 PURSUANT TO THE WORKERS' COMPENSATION ACT OR SIMILAR LAW OF THE
13 STATE IN WHICH THE EMPLOYEE WAS HIRED OR IS REGULARLY EMPLOYED,
14 WHICH COVERAGE APPLIES TO THE EMPLOYEE WHILE TEMPORARILY
15 WORKING IN COLORADO; AND

16 (b) THE STATE IN WHICH THE EMPLOYEE IS FURNISHED COVERAGE:

17 (I) IS CONTIGUOUS TO COLORADO; AND

18 (II) RECOGNIZES THIS SECTION AND PROVIDES THE SAME

1 EXEMPTION FROM THE APPLICATION OF ITS WORKERS' COMPENSATION ACT
2 OR SIMILAR LAWS FOR COLORADO EMPLOYERS WHOSE EMPLOYEES ARE
3 TEMPORARILY WORKING IN THE CONTIGUOUS STATE.

4 (2) FOR AN OUT-OF-STATE EMPLOYEE AND OUT-OF-STATE
5 EMPLOYER TO WHICH THIS SECTION APPLIES, THE BENEFITS PROVIDED
6 UNDER THE WORKERS' COMPENSATION ACT OR SIMILAR LAWS OF THE
7 STATE IN WHICH THE EMPLOYEE IS FURNISHED COVERAGE ARE THE
8 EXCLUSIVE REMEDY AGAINST THE OUT-OF-STATE EMPLOYER FOR ANY
9 INJURY, WHETHER RESULTING IN DEATH OR NOT, THAT THE EMPLOYEE
10 INCURS WHILE WORKING FOR THE OUT-OF-STATE EMPLOYER IN COLORADO.

11 (3) THE DIVISION MAY ENTER INTO AN AGREEMENT WITH ANY
12 WORKERS' COMPENSATION DIVISION OR SIMILAR AGENCY OF A
13 CONTIGUOUS STATE TO PROMULGATE RULES CONSISTENT WITH THIS
14 SECTION TO CARRY OUT THE EXTRATERRITORIAL APPLICATION OF THE
15 WORKERS' COMPENSATION OR SIMILAR LAW OF THE AGREEING STATE.

16 (4) NOTHING IN THIS SECTION CONTRAVENES THE LEGAL
17 OBLIGATIONS OF COLORADO EMPLOYERS TO PROVIDE WORKERS'
18 COMPENSATION TO THEIR EMPLOYEES IN COMPLIANCE WITH ARTICLES 40
19 TO 47 OF THIS TITLE 8.

20 (5) AS USED IN THIS SECTION:

21 (a) "OUT-OF-STATE EMPLOYER" MEANS AN EMPLOYER THAT IS
22 DOMICILED IN ANOTHER STATE.

23 (b) "TEMPORARILY" OR "TEMPORARILY WORKING" MEANS:

24 (I) A PERIOD OF SUSTAINED WORK THAT DOES NOT EXCEED SIX
25 MONTHS; OR

26 (II) ENGAGING IN THE INTERSTATE MOVEMENT OF GOODS OR
27 COMMODITIES.

1 **SECTION 2. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.