HOUSE BILL 18-1308

A BILL FOR AN ACT

CONCERNING AN EXEMPTION FROM THE "WORKERS' COMPENSATION ACT OF COLORADO" FOR NONRESIDENT EMPLOYERS Whose 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
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.

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

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

8-41-212. Exemptions - laws of other state furnish exclusive remedy - definitions. (1) An employee who was hired or is regularly employed outside of Colorado by an out-of-state employer and the out-of-state employer of the employee are exempt from articles 40 to 47 of this title 8 while the employee is temporarily working for the out-of-state employer within Colorado if:

(a) The out-of-state employer has furnished coverage pursuant to the workers' compensation act or similar law of the state in which the employee was hired or is regularly employed, which coverage applies to the employee while temporarily working in Colorado; and

(b) The state in which the employee is furnished coverage:

(I) Is contiguous to Colorado; and

(II) Recognizes this section and provides the same
EXEMPTION FROM THE APPLICATION OF ITS WORKERS' COMPENSATION ACT OR SIMILAR LAWS FOR COLORADO EMPLOYERS WHOSE EMPLOYEES ARE TEMPORARILY WORKING IN THE CONTIGUOUS STATE.

(2) For an out-of-state employee and out-of-state employer to which this section applies, the benefits provided under the workers' compensation act or similar laws of the state in which the employee is furnished coverage are the exclusive remedy against the out-of-state employer for any injury, whether resulting in death or not, that the employee incurs while working for the out-of-state employer in Colorado.

(3) The division may enter into an agreement with any workers' compensation division or similar agency of a contiguous state to promulgate rules consistent with this section to carry out the extraterritorial application of the workers' compensation or similar law of the agreeing state.

(4) Nothing in this section contravenes the legal obligations of Colorado employers to provide workers' compensation to their employees in compliance with articles 40 to 47 of this title 8.

(5) As used in this section:

(a) "Out-of-state employer" means an employer that is domiciled in another state.

(b) "Temporarily" or "temporarily working" means:

(I) A period of sustained work that does not exceed six months; or

(II) Engaging in the interstate movement of goods or commodities.
SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.