

**Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 18-0874.01 Yelana Love x2295

**SENATE BILL 18-178**

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**SENATE SPONSORSHIP**

**Smallwood,**

**HOUSE SPONSORSHIP**

**Kraft-Tharp,**

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

Business Affairs and Labor

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**A BILL FOR AN ACT**

101     **CONCERNING THE DEFINITION OF SIMILAR COVERAGE FOR WORKERS'**  
102             **COMPENSATION FOR CERTAIN OPERATORS OF COMMERCIAL**  
103             **VEHICLES.**

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**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>.)*

Current law requires independent operators of commercial vehicles to have workers' compensation or a private insurance policy that provides similar coverage. The bill changes "private insurance policy" to "occupational accident coverage insurance policy" and specifies the requirements for when such a policy may be considered as providing

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.*

HOUSE  
3rd Reading Unamended  
April 19, 2018

HOUSE  
2nd Reading Unamended  
April 18, 2018

SENATE  
3rd Reading Unamended  
March 27, 2018

SENATE  
Amended 2nd Reading  
March 26, 2018

similar coverage.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-11.5-102, **amend**  
3 (5)(a) and (5)(b); and **add** (5)(a.5), (5)(d), and (5)(e) as follows:

4 **40-11.5-102. Lease provisions - definitions - rules.** (5) (a) Any  
5 lease or contract executed pursuant to this section ~~shall~~ MUST provide for  
6 coverage under workers' compensation or a ~~private~~ AN OCCUPATIONAL  
7 ACCIDENT insurance policy that provides similar coverage.

8 (a.5) IF AN OPERATOR OF A COMMERCIAL VEHICLE, AS DEFINED IN  
9 SECTION 42-4-235 (1)(a)(I)(B), OBTAINS SIMILAR COVERAGE PURSUANT  
10 TO THIS SUBSECTION (5), THEN THE OPERATOR:

11 (I) IS EXCLUDED FROM THE DEFINITION OF EMPLOYEE FOR  
12 PURPOSES OF SECTION 8-40-202 (2);

13 (II) SHALL NOTIFY THE DIVISION OF WORKERS' COMPENSATION IN  
14 THE DEPARTMENT OF LABOR AND EMPLOYMENT OF THE ELECTION, IN A  
15 MANNER DETERMINED BY THE DIRECTOR OF THE DIVISION OF WORKERS'  
16 COMPENSATION BY RULE; AND

17 (III) SHALL, ALONG WITH THE MOTOR CARRIER AND CONTRACT  
18 CARRIER, PROVIDE PROOF OF THE SIMILAR COVERAGE UPON REQUEST TO  
19 INTERESTED PARTIES, INCLUDING THE CARRIER'S WORKERS'  
20 COMPENSATION INSURANCE PROVIDER, THE DIVISION OF WORKERS'  
21 COMPENSATION, AND THE DIVISION OF INSURANCE.

22 (b) For purposes of this subsection (5), "similar coverage":

23 (I) Means ~~disability insurance for on and off the job injury, health~~  
24 ~~insurance, and life~~ insurance BENEFITS DESIGNED FOR INDEPENDENT  
25 CONTRACTORS AND SOLE PROPRIETORS WHO REJECT WORKERS'

1 COMPENSATION COVERAGE AND ELECT, PURSUANT TO THIS SUBSECTION  
2 (5), COVERAGE PROVIDING MEDICAL, TEMPORARY AND PERMANENT  
3 DISABILITY, DEATH AND DISMEMBERMENT, AND SURVIVOR BENEFITS THAT  
4 ARE SUBJECT TO REGULATION BY THE DIVISION OF INSURANCE IN THE  
5 DEPARTMENT OF REGULATORY AGENCIES. The specifications of ~~such~~ THE  
6 insurance, including ~~the amount of any deductible, shall~~ COVERAGES,  
7 EXCLUSIONS, POLICY LIMITS, AND THE AMOUNT, IF ANY, OF ANY  
8 DEDUCTIBLES OR COPAYMENTS, MUST BE FILED WITH THE DIVISION OF  
9 INSURANCE. THE SPECIFICATIONS MUST meet or exceed standards set by  
10 the division of insurance ~~in the department of regulatory agencies~~, and  
11 ~~such~~ THE standards ~~shall~~ MUST specify that the benefits offered by ~~such~~  
12 THE insurance coverage ~~shall~~ MUST be at least comparable to the benefits  
13 offered under the workers' compensation system.

14 (II) FOR SERVICES PERFORMED BY OPERATORS OF COMMERCIAL  
15 VEHICLES, AS DEFINED IN SECTION 42-4-235 (1)(a)(I)(B), MEANS  
16 INSURANCE BENEFITS DEFINED IN SUBSECTION (5)(b)(I) OF THIS SECTION.  
17 THE SPECIFICATIONS OF THE INSURANCE, INCLUDING MINIMUM  
18 THRESHOLDS FOR COVERAGE AND THE AMOUNT, IF ANY, OF ANY  
19 DEDUCTIBLES OR COPAYMENTS, MUST MEET OR EXCEED THE STANDARDS  
20 SET, BY RULE, BY THE DIVISION OF INSURANCE IN THE DEPARTMENT OF  
21 REGULATORY AGENCIES.

22 (d) NOTWITHSTANDING ANY OTHER LAW, IF AN OPERATOR OF A  
23 COMMERCIAL VEHICLE, AS DEFINED IN SECTION 42-4-235 (1)(a)(I)(B), A  
24 MOTOR CARRIER, OR A CONTRACT CARRIER OBTAINS SIMILAR COVERAGE  
25 PURSUANT TO THIS SUBSECTION (5), ARTICLES 40 TO 47 OF TITLE 8 DO NOT  
26 APPLY.

27 (e) THE COMMISSIONER OF INSURANCE IN THE DIVISION OF

1 INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES SHALL  
2 PROMULGATE RULES ESTABLISHING THE MINIMUM COVERAGES FOR  
3 BENEFITS UNDER AN OCCUPATIONAL ACCIDENT POLICY UNDER THIS  
4 SUBSECTION (5).

5           **SECTION 2. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly (August  
8 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
9 referendum petition is filed pursuant to section 1 (3) of article V of the  
10 state constitution against this act or an item, section, or part of this act  
11 within such period, then the act, item, section, or part will not take effect  
12 unless approved by the people at the general election to be held in  
13 November 2018 and, in such case, will take effect on the date of the  
14 official declaration of the vote thereon by the governor.