

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0382.01 Kristen Forrestal x4217

HOUSE BILL 22-1112

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HOUSE SPONSORSHIP

Daugherty,

SENATE SPONSORSHIP

(None),

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**House Committees**  
Business Affairs & Labor

**Senate Committees**

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A BILL FOR AN ACT

101 CONCERNING THE NOTICES REQUIRED PERTAINING TO ON-THE-JOB  
102 INJURIES COVERED BY WORKERS' COMPENSATION INSURANCE.

**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 an injured employee or someone else with knowledge of the injury to notify the employer within 4 days after the occurrence of an on-the-job injury, authorizes a reduction in compensation to the injured employee for failure to timely notify the employer, and tolls the 4-day period if the employer has failed to post a notice specifying the injured employee's notification deadline. The bill

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.

changes the 4-day notice period to a 14-day notice period and repeals the tolling and compensation reduction provisions.

The bill also changes the notice that an employer is required to post in the workplace to require that the notice state the name and contact information of the insurer and that the:

- Employer is responsible for payment of workers' compensation insurance;
- Injured employee has rights under the law if the employer fails to carry workers' compensation insurance;
- Employee should seek medical attention; and
- Injury must be reported in writing to the employer.

With regard to occupational diseases, the bill also:

- Repeals the requirement that an employee notify the employer of an occupational disease within 30 days of contraction of the disease and instead requires an employee to notify the employer upon manifestation of the disease;
- Repeals the provision that states that an employer is deemed to waive a failure to give notice of an occupational disease or death resulting from the disease unless the employer objects at a hearing on the claim prior to any award or decision; and
- Repeals the provision that allows the director of the division of workers' compensation to reduce the compensation to be paid if the required notice is not made in a timely manner.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 8-43-102 as  
3 follows:

4 **8-43-102. Notice to employer of injury - notice to employees.**

5 (1) (a) (I) Every employee who sustains an injury resulting from an  
6 accident shall notify ~~said~~ THE employee's employer in writing of the  
7 injury within ~~four~~ FOURTEEN days ~~of~~ AFTER the occurrence of the injury.

8 If the employee is physically or mentally unable to provide ~~said~~ THE  
9 notice, the employee's foreman, superintendent, OR manager or any other  
10 person in charge who has notice of ~~said~~ THE injury shall submit ~~such~~  
11 written notice OF THE INJURY to the employer. Any other person who has

1 notice of ~~said~~ THE injury may submit a written notice to the ~~said~~ person  
2 in charge or to the employer, and in that event the injured employee ~~shall~~  
3 ~~be~~ IS relieved of the obligation to give ~~such~~ THE notice. ~~Otherwise, if said~~  
4 ~~employee fails to report said injury in writing, said employee may lose up~~  
5 ~~to one day's compensation for each day's failure to so report. If, at the~~  
6 ~~time of said injury, the employer has failed to display the notice specified~~  
7 ~~in paragraph (b) of this subsection (1), the time period allotted to the~~  
8 ~~employee shall be tolled for the duration of such failure~~ AN EMPLOYEE IS  
9 NOT SUBJECT TO A PENALTY UNDER ARTICLES 40 TO 47 OF THIS TITLE 8  
10 FOR FAILING TO PROVIDE THE NOTICE REQUIRED BY THIS SUBSECTION  
11 (1)(a)(I).

12 (II) AN EMPLOYER WHO RECEIVES WRITTEN NOTICE OF AN INJURY  
13 PURSUANT TO THIS SUBSECTION (1) SHALL AFFIX THE DATE AND TIME OF  
14 THE RECEIPT ON THE NOTICE AND SHALL MAKE A COPY OF THE NOTICE  
15 AFFIXED WITH THE DATE AND TIME OF RECEIPT AVAILABLE TO THE INJURED  
16 EMPLOYEE WITHIN TWO WORKING DAYS AFTER RECEIVING THE NOTICE. AN  
17 EMPLOYER IS NOT SUBJECT TO A PENALTY UNDER ARTICLES 40 TO 47 OF  
18 THIS TITLE 8 FOR FAILING TO PROVIDE THE INJURED EMPLOYEE A COPY OF  
19 THE NOTICE REQUIRED BY THIS SUBSECTION (1)(a)(II).

20 (b) Every employer shall display at all times in a prominent place  
21 on the workplace premises a printed card ~~with a minimum height of~~ THAT  
22 IS AT LEAST fourteen inches HIGH and ~~a width of~~ AT LEAST eleven inches  
23 ~~with~~ WIDE, ON WHICH each letter ~~to be a minimum of~~ IS AT LEAST one-half  
24 inch in height, ~~which shall read~~ AND THAT READS as follows:

25 **WARNING**

26 **~~IF YOU ARE INJURED ON THE JOB, WRITTEN NOTICE~~**  
27 **~~OF YOUR INJURY MUST BE GIVEN TO YOUR EMPLOYER~~**

1 ~~WITHIN FOUR WORKING DAYS AFTER THE ACCIDENT,~~  
2 ~~PURSUANT TO SECTION 8-43-102 (1), COLORADO REVISED~~  
3 ~~STATUTES.~~

4 ~~IF THE INJURY RESULTS FROM YOUR USE OF~~  
5 ~~ALCOHOL OR CONTROLLED SUBSTANCES, YOUR~~  
6 ~~WORKERS' COMPENSATION DISABILITY BENEFITS MAY BE~~  
7 ~~REDUCED BY ONE-HALF IN ACCORDANCE WITH SECTION~~  
8 ~~8-42-112.5, COLORADO REVISED STATUTES.~~

9 NOTICE

10 IF YOU ARE INJURED ON THE JOB, YOU HAVE RIGHTS UNDER THE  
11 COLORADO WORKERS' COMPENSATION ACT. YOUR EMPLOYER IS  
12 REQUIRED BY LAW TO HAVE WORKERS' COMPENSATION INSURANCE.  
13 THE COST OF THE INSURANCE IS PAID ENTIRELY BY YOUR EMPLOYER.  
14 IF YOUR EMPLOYER DOES NOT HAVE WORKERS' COMPENSATION  
15 INSURANCE, YOU STILL HAVE RIGHTS UNDER THE LAW.

16 IT IS AGAINST THE LAW FOR YOUR EMPLOYER TO HAVE A POLICY  
17 CONTRARY TO THE REPORTING REQUIREMENTS SET FORTH IN THE  
18 COLORADO WORKERS' COMPENSATION ACT. YOUR EMPLOYER IS  
19 INSURED THROUGH \_\_\_\_\_.

20 IF YOU ARE INJURED ON THE JOB, REPORT YOUR INJURY TO YOUR  
21 EMPLOYER IN WRITING WITHIN 14 DAYS AFTER THE INJURY. IF YOU DO  
22 NOT REPORT YOUR INJURY PROMPTLY, YOU MAY STILL PURSUE A  
23 CLAIM.

24 ADVISE YOUR EMPLOYER IF YOU NEED MEDICAL TREATMENT. IF  
25 YOU OBTAIN MEDICAL CARE, BE SURE TO REPORT TO YOUR EMPLOYER  
26 AND HEALTH-CARE PROVIDER HOW, WHEN, AND WHERE THE INJURY  
27 OCCURRED.

1           **YOU MAY FILE A WORKER'S CLAIM FOR COMPENSATION WITH**  
2           **THE DIVISION OF WORKERS' COMPENSATION. TO OBTAIN FORMS OR**  
3           **INFORMATION REGARDING THE WORKERS' COMPENSATION SYSTEM,**  
4           **YOU MAY CALL CUSTOMER SERVICE AT 303-318-8700 OR TOLL-FREE AT**  
5           **1 - 8 8 8 - 3 9 0 - 7 9 3 6   O R   V I S I T   T H E   W E B S I T E   A T**  
6           **WWW.COLORADO.GOV/CDLE/DWC.**

7           **COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT**  
8           **DIVISION OF WORKERS' COMPENSATION**  
9           **633 17TH STREET, SUITE 201**  
10          **DENVER, COLORADO 80202**  
11          **303-318-8700**

12          ~~(1.5)~~ (2) (a) (I) Every employee of an employer ~~who~~ THAT has  
13 permission to be its own insurance carrier pursuant to section 8-44-201  
14 or of an employer ~~who~~ THAT participates in a public entity self-insurance  
15 pool pursuant to section 8-44-204 who sustains an injury resulting from  
16 an accident shall notify ~~his~~ THE EMPLOYEE'S employer in writing of ~~said~~  
17 THE injury within ~~four~~ FOURTEEN working days ~~of~~ AFTER the occurrence  
18 of the injury, unless the employer, or the employee's foreman,  
19 superintendent, or manager, has written notice of ~~said~~ THE injury. If the  
20 employee is physically or mentally unable to provide ~~said~~ THE notice, the  
21 employee's foreman, superintendent, or manager or any other person in  
22 charge who has written notice of ~~said~~ THE injury shall submit ~~such~~ THE  
23 written notice to the employer. ~~If said employee fails to report said injury~~  
24 ~~in writing, such employee may lose up to one day's compensation for each~~  
25 ~~day's failure to so report.~~ Any other person who has notice of ~~said~~ THE  
26 injury may submit a written notice to the employer, which ~~report~~ shall  
27 relieve the injured employee from reporting the accident. ~~Any employer~~

1 receiving written notice of an injury pursuant to this subsection (1.5) shall  
2 affix thereon the date and time of receipt of such notice and shall make  
3 a copy of such notice available to the injured employee within two  
4 working days following receipt of such notice AN EMPLOYEE IS NOT  
5 SUBJECT TO A PENALTY UNDER ARTICLES 40 TO 47 OF THIS TITLE 8 FOR  
6 FAILING TO PROVIDE THE NOTICE REQUIRED BY THIS SUBSECTION (2)(a)(I).

7 (II) AN EMPLOYER WHO RECEIVES WRITTEN NOTICE OF AN INJURY  
8 PURSUANT TO THIS SUBSECTION (2) SHALL AFFIX THE DATE AND TIME OF  
9 THE RECEIPT ON THE NOTICE AND SHALL MAKE A COPY OF THE NOTICE  
10 AFFIXED WITH THE DATE AND TIME OF RECEIPT AVAILABLE TO THE INJURED  
11 EMPLOYEE WITHIN TWO WORKING DAYS AFTER RECEIVING THE NOTICE. AN  
12 EMPLOYER IS NOT SUBJECT TO A PENALTY UNDER ARTICLES 40 TO 47 OF  
13 THIS TITLE 8 FOR FAILING TO PROVIDE THE INJURED EMPLOYEE A COPY OF  
14 THE NOTICE REQUIRED BY THIS SUBSECTION (2)(a)(II).

15 (b) Every employer ~~who~~ THAT has permission to be its own  
16 insurance carrier pursuant to section 8-44-201 or ~~who~~ THAT participates  
17 in a public entity self-insurance pool pursuant to section 8-44-204 shall  
18 display at all times in a prominent place on the workplace premises a  
19 printed card ~~with a minimum height of~~ THAT IS AT LEAST fourteen inches  
20 HIGH and ~~a width of~~ AT LEAST eleven inches ~~with~~ WIDE, ON WHICH each  
21 letter ~~to be a minimum of~~ IS AT LEAST one-half inch in height, ~~which shall~~  
22 ~~read~~ AND THAT READS as follows:

23 **WARNING**

24 ~~IF YOU ARE INJURED ON THE JOB, WRITTEN NOTICE~~  
25 ~~OF YOUR INJURY MUST BE GIVEN TO YOUR EMPLOYER~~  
26 ~~WITHIN FOUR WORKING DAYS AFTER THE ACCIDENT,~~  
27 ~~PURSUANT TO SECTION 8-43-102 (1.5), COLORADO REVISED~~



1 INFORMATION REGARDING THE WORKERS' COMPENSATION SYSTEM,  
2 YOU MAY CALL CUSTOMER SERVICE AT 303-318-8700 OR TOLL-FREE AT  
3 1 - 8 8 8 - 3 9 0 - 7 9 3 6 OR VISIT THE WEBSITE AT  
4 WWW.COLORADO.GOV/CDLE/DWC.

5 COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT  
6 DIVISION OF WORKERS' COMPENSATION  
7 633 17TH STREET, SUITE 201  
8 DENVER, COLORADO 80202  
9 303-318-8700

10 ~~(2)~~ (3) AN EMPLOYEE AFFECTED BY THE CONTRACTION OF AN  
11 OCCUPATIONAL DISEASE OR SOMEONE ON BEHALF OF THE AFFECTED  
12 EMPLOYEE SHALL GIVE written notice of the contraction of ~~an~~ THE  
13 occupational disease ~~shall be given~~ to the employer ~~by the affected~~  
14 ~~employee or by someone on behalf of the affected employee within thirty~~  
15 ~~days~~ after the first distinct manifestation ~~thereof~~ OF THE DISEASE. In the  
16 event of death from ~~such~~ THE occupational disease, written notice ~~thereof~~  
17 OF THE EMPLOYEE'S DEATH shall be given to the employer within thirty  
18 days after ~~such death~~. Failure to ~~give either of such notices shall be~~  
19 ~~deemed waived unless objection is made at a hearing on the claim prior~~  
20 ~~to any award or decision thereon. Actual knowledge by an employer in~~  
21 ~~whose employment an employee~~ THE DEATH. IF THE EMPLOYER OF AN  
22 EMPLOYEE WHO was last injuriously exposed to an occupational disease  
23 HAS ACTUAL KNOWLEDGE of the contraction of ~~such~~ THE disease by ~~such~~  
24 THE employee and of THE EMPLOYEE'S exposure to the conditions causing  
25 it, ~~shall be~~ SUCH ACTUAL KNOWLEDGE IS deemed notice of its contraction.  
26 If the notice required in this section is not given as provided and within  
27 the time fixed, the director may reduce the compensation that would



1 ~~otherwise have been payable in such manner and to such extent as the~~  
2 ~~director deems just, reasonable, and proper under the existing~~  
3 ~~circumstances~~ AN EMPLOYEE IS NOT SUBJECT TO A PENALTY UNDER  
4 ARTICLES 40 TO 47 OF THIS TITLE 8 FOR FAILING TO PROVIDE THE NOTICE  
5 REQUIRED BY THIS SUBSECTION (3).

6         **SECTION 2. Act subject to petition - effective date -**  
7 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
8 the expiration of the ninety-day period after final adjournment of the  
9 general assembly; except that, if a referendum petition is filed pursuant  
10 to section 1 (3) of article V of the state constitution against this act or an  
11 item, section, or part of this act within such period, then the act, item,  
12 section, or part will not take effect unless approved by the people at the  
13 general election to be held in November 2022 and, in such case, will take  
14 effect on the date of the official declaration of the vote thereon by the  
15 governor.

16         (2) This act applies to claims arising on or after the applicable  
17 effective date of this act.