

CHAPTER 309

**LABOR AND INDUSTRY**

HOUSE BILL 93-1351

BY REPRESENTATIVES Foster and Dyer;  
also SENATORS Meiklejohn and Bishop.

**AN ACT**

**CONCERNING THE EXCLUSION OF PERSONS OPERATING COMMERCIAL VEHICLES FROM THE DEFINITION OF "EMPLOYEE" FOR PURPOSES OF THE "WORKERS' COMPENSATION ACT OF COLORADO".**

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

**SECTION 1.** 8-41-401 (6), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**8-41-401. Lessor contractor-out deemed employer - liability - recovery.**  
(6) Notwithstanding any provision of this section to the contrary, any person, company, or corporation operating a commercial vehicle as defined in section 42-4-234 (1) (a), C.R.S., who holds oneself or itself out as an independent contractor only to perform for-hire transportation, including loading and unloading, and who contracts to perform a specific transportation job, transportation task, or transportation delivery for another person, company, or corporation is not entering into an employee and employer relationship for purposes of workers' compensation coverage pursuant to articles 40 to 47 of this title. NOTHING IN THIS SUBSECTION (6) SHALL BE CONSTRUED TO PROHIBIT A DETERMINATION THAT AN INDIVIDUAL IS EXCLUDED FROM THE DEFINITION OF EMPLOYEE PURSUANT TO SECTION 8-40-202 (2), AS ENACTED BY SENATE BILL 93-132, IF SUCH INDIVIDUAL IS OPERATING A COMMERCIAL VEHICLE AS DEFINED IN SECTION 42-4-234 (1) (a), C.R.S.

**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.

Approved: June 6, 1993

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*