

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0382.01 Kristen Forrestal x4217

HOUSE BILL 22-1112

HOUSE SPONSORSHIP

Daugherty,

SENATE SPONSORSHIP

Gonzales,

House Committees
Business Affairs & Labor

Senate Committees

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.*

HOUSE
Amended 2nd Reading
February 23, 2022

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.

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 **- failure to report.** (1) (a) (I) Every employee who sustains an injury
6 resulting from an accident shall notify ~~said~~ THE employee's employer in
7 writing of the injury within ~~four~~ **TEN** days ~~of~~ AFTER the occurrence of the
8 injury. If the employee is physically or mentally unable to provide ~~said~~
9 THE notice, the employee's foreman, superintendent, OR manager or any
10 other 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~~
4 ~~said~~ THE employee fails to report ~~said~~ THE injury in writing, ~~said~~ THE
5 employee may lose up to one day's compensation for each day's failure to
6 ~~so report. If at the time of said injury, the employer has failed to display~~
7 ~~the notice specified in paragraph (b) of this subsection (1), the time period~~
8 ~~allotted to the employee shall be tolled for the duration of such failure~~
9 FAILS TO PROVIDE A COPY OF THE EMPLOYEE'S WRITTEN NOTICE PURSUANT
10 TO SUBSECTION (1)(a)(II) OF THIS SECTION, OR IF, AT THE TIME OF THE
11 INJURY, THE EMPLOYER FAILED TO DISPLAY THE NOTICE SPECIFIED IN
12 SUBSECTION (1)(b) OF THIS SECTION, THE TIME PERIOD ALLOTTED TO THE
13 EMPLOYEE IS TOLLED FOR THE DURATION OF TIME THAT THE EMPLOYER
14 FAILS TO PROVIDE THE WRITTEN NOTICE AND DISPLAY THE NOTICE. IF THE
15 EMPLOYER HAS ACTUAL NOTICE OF THE INJURY OR GOOD CAUSE IS SHOWN
16 FOR THE FAILURE OF THE EMPLOYEE TO REPORT THE INJURY IN WRITING,
17 THERE IS NO LOSS OF COMPENSATION PURSUANT TO THIS SUBSECTION (1)
18 FOR THE FAILURE TO REPORT THE INJURY.

19 (II) AN EMPLOYER WHO RECEIVES WRITTEN NOTICE OF AN INJURY
20 PURSUANT TO THIS SUBSECTION (1) SHALL AFFIX THE DATE AND TIME OF
21 THE RECEIPT ON THE NOTICE AND SHALL MAKE A COPY OF THE NOTICE
22 AFFIXED WITH THE DATE AND TIME OF RECEIPT AVAILABLE TO THE INJURED
23 EMPLOYEE WITHIN SEVEN DAYS AFTER RECEIVING THE NOTICE. AN
24 EMPLOYER IS NOT SUBJECT TO A PENALTY UNDER ARTICLES 40 TO 47 OF
25 THIS TITLE 8 FOR FAILING TO PROVIDE THE INJURED EMPLOYEE A COPY OF
26 THE NOTICE REQUIRED BY THIS SUBSECTION (1)(a)(II).

27 (b) Every employer shall display at all times in a prominent place

1 on the workplace premises a printed card ~~with a minimum height of~~ THAT
2 IS AT LEAST fourteen inches HIGH and ~~a width of~~ AT LEAST eleven inches
3 ~~with~~ WIDE, ON WHICH each letter ~~to be a minimum of~~ IS AT LEAST one-half
4 inch in height, ~~which shall read~~ AND THAT READS as follows:

5 **WARNING**

6 ~~IF YOU ARE INJURED ON THE JOB, WRITTEN NOTICE~~
7 ~~OF YOUR INJURY MUST BE GIVEN TO YOUR EMPLOYER~~
8 ~~WITHIN FOUR WORKING DAYS AFTER THE ACCIDENT,~~
9 ~~PURSUANT TO SECTION 8-43-102 (1), COLORADO REVISED~~
10 ~~STATUTES.~~

11 ~~IF THE INJURY RESULTS FROM YOUR USE OF~~
12 ~~ALCOHOL OR CONTROLLED SUBSTANCES, YOUR~~
13 ~~WORKERS' COMPENSATION DISABILITY BENEFITS MAY BE~~
14 ~~REDUCED BY ONE-HALF IN ACCORDANCE WITH SECTION~~
15 ~~8-42-112.5, COLORADO REVISED STATUTES.~~

16 **NOTICE**

17 **IF YOU ARE INJURED ON THE JOB, YOU HAVE RIGHTS UNDER THE**
18 **COLORADO WORKERS' COMPENSATION ACT. YOUR EMPLOYER IS**
19 **REQUIRED BY LAW TO HAVE WORKERS' COMPENSATION INSURANCE.**
20 **THE COST OF THE INSURANCE IS PAID ENTIRELY BY YOUR EMPLOYER.**
21 **IF YOUR EMPLOYER DOES NOT HAVE WORKERS' COMPENSATION**
22 **INSURANCE, YOU STILL HAVE RIGHTS UNDER THE LAW.**

23 **IT IS AGAINST THE LAW FOR YOUR EMPLOYER TO HAVE A POLICY**
24 **CONTRARY TO THE REPORTING REQUIREMENTS SET FORTH IN THE**
25 **COLORADO WORKERS' COMPENSATION ACT. YOUR EMPLOYER IS**
26 **INSURED THROUGH _____.**

27 **IF YOU ARE INJURED ON THE JOB, NOTIFY YOUR EMPLOYER AS**

1 SOON AS YOU ARE ABLE, AND REPORT YOUR INJURY TO YOUR
2 EMPLOYER IN WRITING WITHIN 10 DAYS AFTER THE INJURY. IF YOU DO
3 NOT REPORT YOUR INJURY PROMPTLY, YOU MAY STILL PURSUE A
4 CLAIM.

5 ADVISE YOUR EMPLOYER IF YOU NEED MEDICAL TREATMENT. IF
6 YOU OBTAIN MEDICAL CARE, BE SURE TO REPORT TO YOUR EMPLOYER
7 AND HEALTH-CARE PROVIDER HOW, WHEN, AND WHERE THE INJURY
8 OCCURRED.

9 YOU MAY FILE A WORKER'S CLAIM FOR COMPENSATION WITH
10 THE DIVISION OF WORKERS' COMPENSATION. TO OBTAIN FORMS OR
11 INFORMATION REGARDING THE WORKERS' COMPENSATION SYSTEM,
12 THE CUSTOMER SERVICE CONTACT INFORMATION FOR THE DIVISION OF
13 WORKERS' COMPENSATION IS _____.

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

1 THE injury may submit a written notice to the employer, which report
2 shall relieve the injured employee from reporting the accident. Any
3 employer receiving written notice of an injury pursuant to this subsection
4 (1.5) shall affix thereon the date and time of receipt of such notice and
5 shall make a copy of such notice available to the injured employee within
6 two working days following receipt of such notice. If THE EMPLOYER
7 FAILS TO PROVIDE A COPY OF THE EMPLOYEE'S WRITTEN NOTICE PURSUANT
8 TO SUBSECTION (2)(a)(II) OF THIS SECTION, OR IF, AT THE TIME OF THE
9 INJURY, THE EMPLOYER FAILED TO DISPLAY THE NOTICE SPECIFIED IN
10 SUBSECTION (2)(b) OF THIS SECTION, THE TIME PERIOD ALLOTTED TO THE
11 EMPLOYEE IS TOLLED FOR THE DURATION OF TIME THAT THE EMPLOYER
12 FAILS TO PROVIDE THE WRITTEN NOTICE AND DISPLAY THE NOTICE. If THE
13 EMPLOYER HAS ACTUAL NOTICE OF THE INJURY OR GOOD CAUSE IS SHOWN
14 FOR THE FAILURE OF THE EMPLOYEE TO REPORT THE INJURY IN WRITING,
15 THERE IS NO LOSS OF COMPENSATION PURSUANT TO THIS SUBSECTION (2)
16 FOR THE FAILURE TO REPORT THE INJURY.

17 (II) AN EMPLOYER WHO RECEIVES WRITTEN NOTICE OF AN INJURY
18 PURSUANT TO THIS SUBSECTION (2) SHALL AFFIX THE DATE AND TIME OF
19 THE RECEIPT ON THE NOTICE AND SHALL MAKE A COPY OF THE NOTICE
20 AFFIXED WITH THE DATE AND TIME OF RECEIPT AVAILABLE TO THE INJURED
21 EMPLOYEE WITHIN SEVEN DAYS AFTER RECEIVING THE NOTICE. AN
22 EMPLOYER IS NOT SUBJECT TO A PENALTY UNDER ARTICLES 40 TO 47 OF
23 THIS TITLE 8 FOR FAILING TO PROVIDE THE INJURED EMPLOYEE A COPY OF
24 THE NOTICE REQUIRED BY THIS SUBSECTION (2)(a)(II).

25 (b) Every employer who THAT has permission to be its own
26 insurance carrier pursuant to section 8-44-201 or who THAT participates
27 in a public entity self-insurance pool pursuant to section 8-44-204 shall

1 display at all times in a prominent place on the workplace premises a
2 printed card ~~with a minimum height of~~ THAT IS AT LEAST fourteen inches
3 HIGH and ~~a width of~~ AT LEAST eleven inches ~~with~~ WIDE, ON WHICH each
4 letter ~~to be a minimum of~~ IS AT LEAST one-half inch in height, ~~which shall~~
5 read AND THAT READS as follows:

6 **WARNING**

7 ~~IF YOU ARE INJURED ON THE JOB, WRITTEN NOTICE~~
8 ~~OF YOUR INJURY MUST BE GIVEN TO YOUR EMPLOYER~~
9 ~~WITHIN FOUR WORKING DAYS AFTER THE ACCIDENT,~~
10 ~~PURSUANT TO SECTION 8-43-102 (1.5), COLORADO REVISED~~
11 ~~STATUTES.~~

12 ~~IF THE INJURY RESULTS FROM YOUR USE OF~~
13 ~~ALCOHOL OR CONTROLLED SUBSTANCES, YOUR~~
14 ~~WORKERS' COMPENSATION DISABILITY BENEFITS MAY BE~~
15 ~~REDUCED BY ONE-HALF IN ACCORDANCE WITH SECTION~~
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24 **IT IS AGAINST THE LAW FOR YOUR EMPLOYER TO HAVE A POLICY**
25 **CONTRARY TO THE REPORTING REQUIREMENTS SET FORTH IN THE**
26 **COLORADO WORKERS' COMPENSATION ACT. YOUR EMPLOYER IS**
27 **INSURED THROUGH _____.**

1 **IF YOU ARE INJURED ON THE JOB, NOTIFY YOUR EMPLOYER AS**
2 **SOON AS YOU ARE ABLE, AND REPORT YOUR INJURY TO YOUR**
3 **EMPLOYER IN WRITING WITHIN 10 DAYS AFTER THE INJURY. IF YOU DO**
4 **NOT REPORT YOUR INJURY PROMPTLY, YOU MAY STILL PURSUE A**
5 **CLAIM.**

6 **ADVISE YOUR EMPLOYER IF YOU NEED MEDICAL TREATMENT. IF**
7 **YOU OBTAIN MEDICAL CARE, BE SURE TO REPORT TO YOUR EMPLOYER**
8 **AND HEALTH-CARE PROVIDER HOW, WHEN, AND WHERE THE INJURY**
9 **OCCURRED.**

10 **YOU MAY FILE A WORKER'S CLAIM FOR COMPENSATION WITH**
11 **THE DIVISION OF WORKERS' COMPENSATION. TO OBTAIN FORMS OR**
12 **INFORMATION REGARDING THE WORKERS' COMPENSATION SYSTEM,**
13 **THE CUSTOMER SERVICE CONTACT INFORMATION FOR THE DIVISION OF**
14 **WORKERS' COMPENSATION IS _____.**

15 (2) (3) AN EMPLOYEE AFFECTED BY THE CONTRACTION OF AN
16 OCCUPATIONAL DISEASE OR SOMEONE ON BEHALF OF THE AFFECTED
17 EMPLOYEE SHALL GIVE written notice of the contraction of ~~an~~ THE
18 occupational disease ~~shall be given~~ to the employer ~~by the affected~~
19 ~~employee or by someone on behalf of the affected employee~~ within thirty
20 ~~days~~ after the first distinct manifestation ~~thereof~~ OF THE DISEASE. In the
21 event of death from ~~such~~ THE occupational disease, written notice ~~thereof~~
22 OF THE EMPLOYEE'S DEATH shall be given to the employer within thirty
23 days after ~~such death~~. Failure to ~~give either of such notices shall be~~
24 ~~deemed waived unless objection is made at a hearing on the claim prior~~
25 ~~to any award or decision thereon. Actual knowledge by an employer in~~
26 ~~whose employment an employee~~ THE DEATH. IF THE EMPLOYER OF AN
27 EMPLOYEE WHO was last injuriously exposed to an occupational disease

1 HAS ACTUAL KNOWLEDGE of the contraction of ~~such~~ THE disease by ~~such~~
2 THE employee and of THE EMPLOYEE'S exposure to the conditions causing
3 it, ~~shall be~~ SUCH ACTUAL KNOWLEDGE IS deemed notice of its contraction.
4 ~~If the notice required in this section is not given as provided and within~~
5 ~~the time fixed, the director may reduce the compensation that would~~
6 ~~otherwise have been payable in such manner and to such extent as the~~
7 ~~director deems just, reasonable, and proper under the existing~~
8 ~~circumstances~~ IF THE EMPLOYER DOES NOT HAVE ACTUAL KNOWLEDGE OF
9 THE CONTRACTION OF THE DISEASE, OR IF THERE IS NOT GOOD CAUSE FOR
10 THE EMPLOYEE'S FAILURE TO PROVIDE WRITTEN NOTICE WITHIN THE TIME
11 ALLOTTED BY THIS SUBSECTION (3), THE DIRECTOR MAY REDUCE THE
12 COMPENSATION THAT WOULD OTHERWISE HAVE BEEN PAYABLE IN THE
13 MANNER AND TO THE EXTENT AS THE DIRECTOR DEEMS JUST,
14 REASONABLE, AND PROPER UNDER THE EXISTING CIRCUMSTANCES, NEVER
15 TO EXCEED ONE DAY'S COMPENSATION FOR EACH DAY'S FAILURE TO
16 REPORT.

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

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