

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

REVISED

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

LLS NO. 26-0800.01 Renee Leone x2695

SENATE BILL 26-121

SENATE SPONSORSHIP

Rodriguez and Simpson, Pelton B., Bright, Catlin, Frizell, Kirkmeyer, Liston, Pelton R., Rich

HOUSE SPONSORSHIP

Martinez and Winter T.,

Senate Committees

Business, Labor, & Technology

House Committees

Agriculture, Water & Natural Resources

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF A THRESHOLD OF FIFTY-SIX**
102 **HOURS IN A WORKWEEK FOR WHEN AN AGRICULTURAL**
103 **EMPLOYER IS REQUIRED TO PAY OVERTIME TO AN**
104 **AGRICULTURAL EMPLOYEE.**

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 requires an agricultural employer to pay an agricultural employee overtime pay for time worked in excess of 60 hours in a workweek.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
April 15, 2026

SENATE
3rd Reading Unamended
March 25, 2026

SENATE
Amended 2nd Reading
March 24, 2026

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 8-6-120 as follows:

4 **8-6-120. Overtime wages for agricultural employees -**
5 **definitions - rules.**

6 (1) AS USED IN THIS SECTION:

7 (a) "AGRICULTURAL EMPLOYEE" HAS THE MEANING SET FORTH IN
8 SECTION 8-2-206 (1)(b).

9 (b) "AGRICULTURAL EMPLOYER" HAS THE MEANING SET FORTH IN
10 SECTION 8-3-104 (1).

11 (c) "DECISION-MAKING MANAGER" MEANS AN INDIVIDUAL
12 PRIMARILY ENGAGED IN AGRICULTURAL WORK WHO:

13 (I) IS PAID AT LEAST THE MINIMUM SALARY THRESHOLD FOR
14 CERTAIN EXEMPTIONS CONTAINED IN THE PROVISIONS CONCERNING
15 AGRICULTURAL WORKERS IN THE DIRECTOR'S RULES RELATED TO
16 COLORADO OVERTIME AND MINIMUM PAY STANDARDS;

17 (II) IS NOT EMPLOYED ON A SEASONAL OR TEMPORARY BASIS; AND

18 (III) HAS PRIMARY DUTIES THAT REQUIRE THE ROUTINE EXERCISE
19 OF INDEPENDENT JUDGMENT AND DISCRETION IN MATTERS OF
20 SIGNIFICANCE AND WHO EITHER:

21 (A) SUPERVISES TWO OR MORE FULL-TIME EMPLOYEES, OR

22 (B) REPORTS DIRECTLY TO AN OWNER OR TO AN EXECUTIVE-LEVEL
23 EMPLOYEE WHO REPORTS DIRECTLY TO AN OWNER WHO ROUTINELY
24 EXERCISES INDEPENDENT JUDGMENT AND DISCRETION IN MATTERS OF
25 SIGNIFICANCE IN MANUAL OR IN NONMANUAL LABOR.

26 (d) "FAMILY MEMBER" MEANS A CHILD, SIBLING, SPOUSE, PARENT,

1 AUNT, UNCLE, NEPHEW, NIECE, FIRST COUSIN, GRANDCHILD, OR
2 GRANDPARENT BY BLOOD, ADOPTION, OR MARRIAGE.

3 (2) BEGINNING JANUARY 1, 2027, AN AGRICULTURAL EMPLOYER
4 SHALL PAY AN AGRICULTURAL EMPLOYEE AT AN OVERTIME RATE FOR ANY
5 TIME WORKED IN EXCESS OF FIFTY-SIX HOURS IN A WORKWEEK, EXCEPT
6 FOR AN AGRICULTURAL EMPLOYEE WHO IS:

7 (a) PRINCIPALLY ENGAGED IN THE RANGE PRODUCTION OF
8 LIVESTOCK ON THE OPEN RANGE, AS DESCRIBED IN 29 CFR 780.323 TO
9 780.329;

10 (b) A DECISION-MAKING MANAGER WHO IS EMPLOYED BY AN
11 AGRICULTURAL EMPLOYER; OR

12 (c) A FAMILY MEMBER OF A FAMILY OWNER OF AN AGRICULTURAL
13 EMPLOYER.

14 **SECTION 2.** In Colorado Revised Statutes, 8-4-113, **amend**
15 **(1)(a)(I); and add (1)(a)(I.5)(E) and (1)(a)(I.5)(F) as follows:**

16 **8-4-113. Fines pursuant to enforcement - wage theft**
17 **enforcement fund - created - administrative lien and levy of employer**
18 **assets - wage claim payments from the fund - definition - rules.**

19 **(1) (a) (I) (A) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(I)(B) OF**
20 **THIS SECTION, if a case against an employer is enforced pursuant to**
21 **section 8-4-111, any employer who without good faith legal justification**
22 **fails to pay the wages of each of the employer's employees shall forfeit to**
23 **the people of the state of Colorado a fine in an amount determined by the**
24 **director or hearing officer but no more than the sum of fifty dollars per**
25 **day for each such failure to pay each employee, commencing from the**
26 **date that such wages first became due and payable.**

27 **(B) FOR AN AGRICULTURAL EMPLOYER, AS DEFINED IN SECTION**

1 8-3-104 (1), WHO, WITHOUT A GOOD FAITH LEGAL JUSTIFICATION,
2 WILLFULLY FAILS TO PAY THE WAGES OF EACH OF THE AGRICULTURAL
3 EMPLOYER'S EMPLOYEES AT LEAST THREE TIMES IN A FIVE-YEAR PERIOD,
4 THE TOTAL AMOUNT FORFEITED TO THE PEOPLE OF THE STATE OF
5 COLORADO PURSUANT TO SUBSECTION (1)(a)(I)(A) OF THIS SECTION MAY
6 BE INCREASED BY TEN PERCENT.

7 (I.5) An employer found to have misclassified an employee as a
8 nonemployee in a way that may affect a wage and hour payment or
9 reporting obligation under a state, federal, or local law, rule, or regulation
10 shall pay a fine in the following amounts, increased by the director by rule
11 by January 1, 2028, and by rule by January 1 every other year based on
12 the prior two years' increase, if any, in the United States department of
13 labor's bureau of labor statistics consumer price index, or a successor
14 index, for Denver-Aurora-Lakewood for urban wage earners and clerical
15 workers, per employee, in addition to any other relief ordered:

16 (E) FOR AN AGRICULTURAL EMPLOYER, AS DEFINED IN SECTION
17 8-3-104 (1), WITH A THIRD OR SUBSEQUENT WILLFUL VIOLATION WITHIN
18 FIVE YEARS, THE FINE UNDER SUBSECTION (1)(a)(I.5)(C) OF THIS SECTION
19 IS INCREASED BY TWENTY THOUSAND DOLLARS; AND

20 (F) FOR AN AGRICULTURAL EMPLOYER, AS DEFINED IN SECTION
21 8-3-104 (1), WITH A THIRD OR SUBSEQUENT WILLFUL VIOLATION THAT IS
22 NOT REMEDIED WITHIN SIXTY DAYS AFTER THE DIVISION'S FINDING, THE
23 FINE UNDER SUBSECTION (1)(a)(I.5)(D) OF THIS SECTION IS INCREASED BY
24 FORTY THOUSAND DOLLARS.

25 **SECTION 3. Applicability.** This act applies to time worked and
26 contracts entered into or renewed on or after the effective date of this act.

27 **SECTION 4. Safety clause.** The general assembly finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, or safety or for appropriations for
3 the support and maintenance of the departments of the state and state
4 institutions.