

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 23-0707.01 Josh Schultz x5486

HOUSE BILL 23-1196

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A BILL FOR AN ACT

101 **CONCERNING CLARIFYING THAT WORKERS' COMPENSATION IS NOT**
102 **THE EXCLUSIVE REMEDY FOR PERSONS AGGRIEVED BY**
103 **VIOLATIONS OF THE "COLORADO YOUTH EMPLOYMENT**
104 **OPPORTUNITY ACT OF 1971".**

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 amends the "Colorado Youth Employment Opportunity Act of 1971" (act) to allow aggrieved parties, including parents of children protected by the act, to pursue remedies at law and in equity for

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.

SENATE
2nd Reading Unamended
April 14, 2023

HOUSE
3rd Reading Unamended
March 20, 2023

HOUSE
Amended 2nd Reading
March 17, 2023

violations of the act that are not within the scope of workers' compensation remedies.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 8-12-117 as
3 follows:

4 **8-12-117. Remedies for violations - workers' compensation -**
5 **remedies at law and in equity.** (1) All minors, whether lawfully or
6 unlawfully employed, ~~shall be~~ ARE subject to the rights and remedies of
7 the "Workers' Compensation Act of Colorado", articles 40 to 47 of this
8 ~~title~~ TITLE 8, if the employer is included within the meaning of section
9 8-40-203.

10 (2) PERSONS AGGRIEVED BY VIOLATIONS OF THIS ARTICLE 12 MAY
11 PURSUE REMEDIES AT LAW AND IN EQUITY, INCLUDING REMEDIES IN TORT,
12 ~~AND~~ REMEDIES UNDER THE "WORKERS' COMPENSATION ACT OF
13 COLORADO", ARTICLES 40 TO 47 OF THIS TITLE 8, IF:

14 (a) AN INJURY OCCURS TO A MINOR DURING A WEEK WHEN THE
15 EMPLOYER INTENTIONALLY REQUIRED THE MINOR TO WORK HOURS IN
16 VIOLATION OF THOSE ALLOWED BY THIS ARTICLE 12; OR

17 (b) AN INJURY OCCURS TO A MINOR WHILE THE MINOR WAS
18 ENGAGING IN WORK PROHIBITED BY THIS ARTICLE 12.

19 (3) ECONOMIC DAMAGES FOR CLAIMS IN TORT RECOVERED BY A
20 PARTY AGGRIEVED BY A VIOLATION OF THIS ARTICLE 12 AGAINST THE
21 EMPLOYER OF A MINOR PURSUANT TO SUBSECTION (2) OF THIS SECTION
22 MUST BE REDUCED BY THE AMOUNT OF COMPENSATION AND BENEFITS
23 THAT THE MINOR OR THE MINOR'S DEPENDENTS RECEIVED FOR THE SAME
24 HARM THROUGH THE EMPLOYER'S WORKERS' COMPENSATION INSURANCE
25 POLICY PURSUANT TO ARTICLES 40 TO 47 OF THIS TITLE 8.

1 **SECTION 2. Effective date - applicability.** This act takes effect
2 July 1, 2023, and applies to violations committed on or after said date.

3 **SECTION 3. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.