

CHAPTER 129

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**LABOR AND INDUSTRY**

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**HOUSE BILL 93-1262**

BY REPRESENTATIVES Taylor, Acquafresca, Foster, George, and Lawrence;  
also SENATORS Schroeder and Tebedo.

**AN ACT**

**CONCERNING THE OPTION OF WORKERS' COMPENSATION INSURANCE COVERAGE FOR PERSONS  
WORKING AS SOLE PROPRIETORS OR GENERAL PARTNERS.**

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

**SECTION 1.** 8-40-302 (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**8-40-302. Scope of term "employer".** (5) (a) Any employer excluded under this section may elect to accept the provisions of articles 40 to 47 of this title by purchasing and keeping in force a policy of workers' compensation insurance covering said employees.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF ARTICLES 40 TO 47 OF THIS TITLE, ANY WORKING GENERAL PARTNER OR SOLE PROPRIETOR ACTIVELY ENGAGED IN THE BUSINESS MAY ELECT TO BE INCLUDED BY ENDORSEMENT AS AN EMPLOYEE OF THE INSURED AND SHALL BE ENTITLED TO ELECT COVERAGE REGARDLESS OF WHETHER SUCH WORKING GENERAL PARTNER OR SOLE PROPRIETOR EMPLOYS ANY OTHER PERSON UNDER ANY CONTRACT OF HIRE.

**SECTION 2.** 8-44-102, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**8-44-102. Contract for insurance subject to workers' compensation act.** Every contract for the insurance of compensation and benefits as provided in articles 40 to 47 of this title or against liability therefor shall be made subject to all the provisions of said articles, and all provisions in such contract for insurance inconsistent with the provisions of said articles shall be void. Any contract of insurance issued under said articles by any insurance carrier, including stock and

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

mutual corporations and the Colorado compensation insurance authority, may include and cover any liability of the employer on account of personal injuries sustained by or death resulting therefrom to any employee as such. ~~If the employer desires, the contract may include by endorsement as an employee of the insured any working partner or individual employer actively engaged in the operation of the business.~~ No insurance carrier, except the Colorado compensation insurance authority, shall write any policy of insurance covering the liability under said articles of any employer doing business within the state of Colorado except on a form that has been previously filed with and approved by the commissioner of insurance, nor shall there be attached to said policy or contract of insurance any endorsement, rider, letter, or other document affecting such contract unless the same has been filed with and the form thereof approved by the commissioner of insurance. The commissioner of insurance shall from time to time approve and prescribe a standard or universal form, as nearly as possible, for every contract or policy of insurance, endorsement, rider, letter, or other document affecting such contract for use in insuring the compensation provided for in said articles.

**SECTION 3. 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: April 19, 1993