

CHAPTER 56

LABOR AND INDUSTRY

HOUSE BILL 98-1055

BY REPRESENTATIVE T. Williams;
also SENATORS Dennis, Norton, Phillips, and Thiebaut.

AN ACT

CONCERNING DISCOVERY IN WORKERS' COMPENSATION CLAIMS.

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

SECTION 1. 8-43-207 (1) (e), Colorado Revised Statutes, is amended to read:

8-43-207. Hearings. (1) Hearings shall be held to determine any controversy concerning any issue arising under articles 40 to 47 of this title. In connection with hearings, the director and administrative law judges are empowered to:

(e) Upon written motion and for good cause shown, permit parties to ~~cause depositions to be taken~~ ENGAGE IN DISCOVERY; EXCEPT THAT PERMISSION NEED NOT BE SOUGHT IF EACH PARTY IS REPRESENTED BY AN ATTORNEY, AND THE PARTIES AGREE TO ENGAGE IN DISCOVERY. The director or administrative law judge may RULE ON DISCOVERY MATTERS AND impose the sanctions provided in the rules of civil procedure in the district courts for willful failure to comply with permitted discovery. ~~Notwithstanding any rules to the contrary, no discovery or evidentiary deposition in any matter arising under articles 40 to 47 of this title may be taken without the prior written order of an administrative law judge pursuant to written motion authorizing any such deposition as specified in this paragraph (e).~~

SECTION 2. Effective date - applicability. This act shall take effect upon passage, and shall apply to workers' compensation claims filed on or after said date.

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

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 2, 1998