

CHAPTER 139

LABOR AND INDUSTRY

HOUSE BILL 99-1269

BY REPRESENTATIVES King, Berry, Fairbank, Hefley, Lee, McKay, McPherson, Mitchell, Paschall, Piffner, Spradley, Stengel, Webster, T. Williams, Dean, Larson, May, and Young;
also SENATORS Owen, Anderson, Arnold, Hillman, Powers, and Tebedo.

AN ACT

CONCERNING THE REDUCTION OF WORKERS' COMPENSATION BENEFITS IN CASES WHERE A CLAIMANT MAKES A MATERIALLY DECEPTIVE STATEMENT THAT WILLFULLY MISLEADS AN EMPLOYER AS PART OF THE JOB APPLICATION PROCESS CONCERNING THE PHYSICAL ABILITY OF THE CLAIMANT TO PERFORM THE REQUIREMENTS OF THE JOB.

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

SECTION 1. 8-42-112 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8-42-112. Acts of employees reducing compensation. (1) The compensation provided for in articles 40 to 47 of this title shall be reduced fifty percent:

(d) WHERE THE EMPLOYEE WILLFULLY MISLEADS AN EMPLOYER CONCERNING THE EMPLOYEE'S PHYSICAL ABILITY TO PERFORM THE JOB, AND THE EMPLOYEE IS SUBSEQUENTLY INJURED ON THE JOB AS A RESULT OF THE PHYSICAL ABILITY ABOUT WHICH THE EMPLOYEE WILLFULLY MISLED THE EMPLOYER. NOTWITHSTANDING ANY OTHER PROVISIONS OF ARTICLES 40 TO 47 OF THIS TITLE, THE PROVISIONS OF THIS PARAGRAPH (d) SHALL APPLY IN ADDITION TO ANY OTHER PENALTY THAT MAY BE IMPOSED UNDER SECTION 8-43-402.

SECTION 2. Effective date - applicability. (1) This act shall take effect September 1, 1999, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by

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

proclamation of the governor.

(2) The provisions of this act shall apply to injuries occurring on or after the applicable effective date of this act.

Approved: April 22, 1999