

CHAPTER 313

**LABOR AND INDUSTRY**

**HOUSE BILL 00-1446**

BY REPRESENTATIVES McPherson, Fairbank, George, Hefley, Kaufman, Kester, Mitchell, Morrison, Paschall, Stengel, Taylor, Tool, T. Williams, Witwer, Gagliardi, Lawrence, Mace, and Scott;  
also SENATORS Hillman, Anderson, Blickensderfer, Dennis, Dyer, Owen, Perlmutter, Teck, Wattenberg, Wham, Hernandez, and Sullivant.

**AN ACT**

CONCERNING THE EXCLUSION OF HOST HOME PROVIDERS FROM THE APPLICABILITY OF THE TERM "EMPLOYEE" FOR PURPOSES OF WORKERS' COMPENSATION.

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

**SECTION 1.** 8-40-301, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**8-40-301. Scope of term "employee".** (7) PERSONS WHO PROVIDE HOST HOME SERVICES AS PART OF RESIDENTIAL SERVICES AND SUPPORTS, AS DESCRIBED IN SECTION 27-10.5-104 (1) (f), C.R.S., FOR AN ELIGIBLE PERSON, AS DEFINED IN SECTION 26-4-623 (2) (a), C.R.S., PURSUANT TO THE "HOME- AND COMMUNITY-BASED SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES ACT", SUBPART 2 OF PART 6 OF ARTICLE 4 OF TITLE 26, C.R.S., AND PURSUANT TO A CONTRACT WITH A COMMUNITY CENTERED BOARD DESIGNATED PURSUANT TO SECTION 27-10.5-105, C.R.S., OR A CONTRACT WITH A SERVICE AGENCY AS DEFINED IN SECTION 27-10.5-102 (28), C.R.S., SHALL NOT BE CONSIDERED EMPLOYEES OF THE COMMUNITY CENTERED BOARD OR THE SERVICE AGENCY.

**SECTION 2.** 8-41-401 (7), Colorado Revised Statutes, is amended to read:

**8-41-401. Lessor contractor-out deemed employer - liability - recovery.**  
(7) This section shall not apply to any person excluded from the definition of "employee" pursuant to section 8-40-301 (5) OR (7).

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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.*

**SECTION 3. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of 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; except that, if 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 proclamation of the governor.

Approved: June 1, 2000