

CHAPTER 364

LABOR AND INDUSTRY

HOUSE BILL 00-1383

BY REPRESENTATIVES Decker, Clapp, Lee, Hefley, and Mace;
also SENATORS Lamborn, Epps, and Tebedo.

AN ACT

CONCERNING DELETION OF THE REFERENCE TO A SPECIFIC AGE OF RETIREMENT FOR PURPOSES OF THE OFFSET AGAINST PERMANENT TOTAL DISABILITY BENEFITS UNDER THE "WORKERS' COMPENSATION ACT OF COLORADO".

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

SECTION 1. The introductory portion to 8-42-103 (1) (c) (II) and 8-42-103 (1) (c) (II.5) and (1) (c) (III), Colorado Revised Statutes, are amended to read:

8-42-103. Disability indemnity payable as wages - period of disability. (1) If the injury or occupational disease causes disability, a disability indemnity shall be payable as wages pursuant to the provisions of section 8-42-105 (2) (a) subject to the following limitations:

(c) (II) In cases where it is determined that periodic benefits granted by the federal old-age, survivors, and disability insurance act or employer-paid retirement benefits are payable to an individual and the individual's dependents, ~~when the individual reaches the age of sixty-five years~~, the aggregate benefits payable for permanent total disability pursuant to this section shall be reduced, but not below zero:

(II.5) In cases where an employer does not participate in federal old-age, survivors, and disability insurance, and it is determined that employer-paid retirement benefits are payable to an individual and the individual's dependents, ~~when the individual reaches the age of sixty-five years~~, the aggregate benefits payable for permanent total disability pursuant to this section shall be reduced, but not below zero by an amount determined as a percentage of the employer-paid retirement benefits, said percentage to be determined by a weighted average of the employer's contributions during the period of covered employment divided by the total contributions during the period of covered employment.

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

(III) Notwithstanding the provisions of sub-subparagraph (A) of subparagraph (II) of this paragraph (c), if provisions of the federal old-age, survivors, and disability insurance act should be amended to provide for a reduction of an individual's periodic benefits thereunder because of compensation benefits payable under articles 40 to 47 of this title, the reduction of compensation benefits provided in said articles shall be decreased by an amount equal to such federal reduction. ~~when the individual reaches the age of sixty-five years.~~ Upon request of the insurer or employer, the employee shall apply for such federal benefits NO LATER THAN SUCH TIME AS THE EMPLOYEE IS ENTITLED TO A FULL AWARD OF SUCH BENEFITS and SHALL respond to requests from the insurer or employer as to the status of such application. Failure to comply with this section shall be cause for suspension of benefits.

SECTION 2. 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: June 1, 2000