

CHAPTER 99

LABOR AND INDUSTRY

HOUSE BILL 03-1222

BY REPRESENTATIVE(S) Johnson R., McCluskey, and Spradley;
also SENATOR(S) Kester, Grossman, and May R.

AN ACT**CONCERNING THE ELECTRONIC FILING OF DOCUMENTS WITH THE DIVISION OF WORKERS'
COMPENSATION.**

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

SECTION 1. Part 1 of article 43 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

8-43-104. Electronic filings - rules. (1) THE REJECTION FOR TECHNICAL ERRORS BY THE DIVISION OF ANY DOCUMENT, FORM, OR NOTICE THAT IS FILED ELECTRONICALLY SHALL NOT AFFECT THE VALIDITY OF THE NOTICE TO THE CLAIMANT OR ANY OTHER PARTY.

(2) THE DIRECTOR MAY PROMULGATE RULES CONCERNING ELECTRONIC FILING OF DOCUMENTS, FORMS, OR NOTICES, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S. SUCH RULES SHALL BE CONSISTENT WITH ANY RULES PROMULGATED BY THE SECRETARY OF STATE PURSUANT TO SECTION 24-71.3-118, C.R.S.

SECTION 2. 8-43-203 (1) (a), Colorado Revised Statutes, is amended to read:

8-43-203. Notice concerning liability - notice to claimant. (1) (a) The employer or, if insured, the employer's insurance carrier shall notify in writing the division and the injured employee or, if deceased, the decedent's dependents within twenty days after notice or knowledge of an injury to an employee ~~which~~ THAT disables said employee for more than three shifts or three calendar days or results in permanent physical impairment or death of said employee, whether liability is admitted or contested; but, for the purpose of this section, any knowledge on the part of the employer, if insured, is not knowledge on the part of the insurance carrier. THE EMPLOYER OR THE EMPLOYER'S INSURANCE CARRIER MAY NOTIFY THE DIVISION

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

ELECTRONICALLY. THE REJECTION OF AN ELECTRONICALLY FILED NOTICE BY THE DIVISION FOR A TECHNICAL ERROR SHALL NOT AFFECT THE VALIDITY OF THE NOTICE TO THE CLAIMANT. If the insurance carrier or self-insured employer denies liability for the claim, the claimant may request an expedited hearing on the issue of compensability if the application therefor is filed within forty-five days ~~of~~ AFTER the date of mailing of the notice of contest. The director shall set any such expedited matter for hearing within forty days ~~of~~ AFTER the date of the application, when the issue is liability for the disease or injury. The time schedule for such an expedited hearing is subject to the extensions set forth in section 8-43-209. If a claimant elects not to request an expedited hearing pursuant to this subsection (1), the time schedule for hearing the matter shall be as set forth in section 8-43-209. Where the employer's report of injury shows that the employee is temporarily disabled for three days or less and medical attention as provided by section 8-42-101, if required, has been afforded at the expense of the employer or the insurance carrier, then no admission or denial of liability need be filed until the employer or, if insured, the employer's insurance carrier has knowledge of or notice of claim for compensation benefits and then within twenty days ~~from~~ AFTER the date of such knowledge or notice.

SECTION 3. 8-44-110, Colorado Revised Statutes, is amended to read:

8-44-110. Notice of cancellation. Every insurance carrier authorized to transact business in this state, including Pinnacol Assurance, which insures employers against liability for compensation under the provisions of articles 40 to 47 of this title, shall notify ~~the division,~~ any employer insured by the carrier or ~~the authority~~ PINNACOL ASSURANCE, and any agent or representative of such employer, if applicable, by certified mail of any cancellation of such employer's insurance coverage. Such notice shall be sent at least thirty days prior to the effective date of the cancellation of the insurance. However, if the cancellation is based on one or more of the following reasons, then such notice may be sent less than thirty days prior to the effective date of the cancellation of the insurance: Fraud, material misrepresentation, nonpayment of premium, or any other reason approved by the commissioner of insurance.

SECTION 4. Effective date - applicability. (1) 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.

(2) The provisions of this act shall apply to documents, forms, and notices filed electronically with the division of workers' compensation on or after the applicable effective date of this act.

Approved: April 1, 2003