

CHAPTER 40

LABOR AND INDUSTRY

HOUSE BILL 04-1087

BY REPRESENTATIVE(S) Rhodes and McFadyen;
also SENATOR(S) Johnson S.

AN ACT

CONCERNING THE ESTABLISHMENT OF THE HIGHEST DEGREE OF CARE IN THE DEFENSE OF A NEGLIGENCE CLAIM UNDER THE HIGH VOLTAGE POWER LINE STATUTES BY PROOF OF COMPLIANCE WITH AN APPLICABLE STANDARD OF THE NATIONAL ELECTRICAL CODE.

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

SECTION 1. Article 2.5 of title 9, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

9-2.5-106. Compliance with national electrical safety code - due care. PROOF OF COMPLIANCE WITH THE REQUIREMENTS OF AN APPLICABLE NATIONAL ELECTRICAL SAFETY CODE STANDARD, AS PUBLISHED BY THE INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS OR A SUCCESSOR ENTITY, THAT IS OR WAS IN EFFECT AT THE TIME OF THE INSTALLATION OF THE OVERHEAD LINE, ESTABLISHES THE HIGHEST DEGREE OF CARE IN THE DEFENSE OF A NEGLIGENCE CLAIM ASSERTED BY ANY PERSON OR ENTITY THAT IS EXEMPT FROM THIS ARTICLE PURSUANT TO SECTION 9-2.5-105.

SECTION 2. 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 (August 4, 2004, if adjournment sine die is on May 5, 2004); 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: March 17, 2004

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