

## CHAPTER 389

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**LABOR AND INDUSTRY**


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## SENATE BILL 13-147

BY SENATOR(S) Jahn, Newell;  
also REPRESENTATIVE(S) Gardner, Conti, Coram, DelGrosso, Murray, Saine, Scott.

**AN ACT**

**CONCERNING AN EMPLOYER'S WORKERS' COMPENSATION LIABILITY TO A PERSON WHEN THE PERSON IS INJURED WHILE NOT ON THE EMPLOYER'S PREMISES.**

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

**SECTION 1.** In Colorado Revised Statutes, 8-41-401, **amend** (1) (a) as follows:

**8-41-401. Lessor contractor-out deemed employer - liability - recovery.**

(1) (a) (I) Any person, company, or corporation operating or engaged in or conducting any business by leasing or contracting out any part or all of the work thereof to any lessee, sublessee, contractor, or subcontractor, irrespective of the number of employees engaged in such work, shall be construed to be an employer as defined in articles 40 to 47 of this title and shall be liable as provided in said articles to pay compensation for injury or death resulting therefrom to said lessees, sublessees, contractors, and subcontractors and their employees or employees' dependents, except as otherwise provided in subsection (3) of this section.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) AND ANY OTHER PROVISION OF LAW TO THE CONTRARY, IT IS PRESUMED THAT A BUYER OF GOODS IS NOT LIABLE AS A STATUTORY EMPLOYER WHEN A LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR, OR THEIR EMPLOYEE WHO IS DELIVERING THE GOODS TO THE BUYER INJURES HIMSELF OR HERSELF WHILE NOT ON THE BUYER'S PREMISES. THE PRESUMPTION MAY BE OVERCOME BY A SHOWING THAT THE LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR, OR THEIR EMPLOYEE WAS PERFORMING A JOB FUNCTION THAT WOULD NORMALLY BE PERFORMED BY AN EMPLOYEE OF THE BUYER OF THE GOODS BEING DELIVERED. NOTHING IN THIS SUBPARAGRAPH (II) CREATES A PRESUMPTION OF A STATUTORY EMPLOYER-EMPLOYEE RELATIONSHIP WHEN AN INJURY OCCURS ON THE BUYER'S PREMISES.

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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.*

(III) FOR THE PURPOSES OF THIS SECTION, A "STATUTORY EMPLOYER" IS AN EMPLOYER WHO IS RESPONSIBLE TO PAY WORKERS' COMPENSATION BENEFITS PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

**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 5, 2013