

SB091_L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB26-091 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, **add** 8-70-115.5 as
4 follows:

5 **8-70-115.5. Employment clarification - newspaper delivery**
6 **and distribution.**

7 (1) THE STATUS OF AN INDIVIDUAL ENGAGED IN THE DELIVERY OR
8 DISTRIBUTION OF NEWSPAPERS OR SHOPPING NEWS MUST BE DETERMINED
9 PURSUANT TO THIS SECTION.

10 (2) FOR PURPOSES OF APPLYING SUBSECTION (1) OF THIS SECTION,
11 OPERATIONAL REQUIREMENTS INHERENT TO THE DELIVERY OR
12 DISTRIBUTION OF NEWSPAPERS OR SHOPPING NEWS DO NOT ALONE
13 CONSTITUTE SUFFICIENT EVIDENCE OF CONTROL OR DIRECTION IN THE
14 PERFORMANCE OF SERVICES. SUCH OPERATIONAL REQUIREMENTS MAY
15 INCLUDE:

16 (a) DESIGNATION OF A PICKUP LOCATION;

17 (b) ASSIGNMENT OF A GEOGRAPHIC ROUTE OR TERRITORY;

18 (c) REQUIREMENTS TO MEET CUSTOMER DELIVERY OR
19 DISTRIBUTION DEADLINES;

20 (d) REASONABLE QUALITY OR SAFETY STANDARDS RELATED TO
21 DELIVERY OR DISTRIBUTION; OR

22 (e) REQUIREMENTS TO MAINTAIN CONFIDENTIALITY OF
23 SUBSCRIBER OR CUSTOMER INFORMATION.

24 (3) FOR PURPOSES OF APPLYING SECTION 8-70-115 (1)(b), THE
25 ABSENCE OF A SEPARATE BUSINESS ADDRESS, BUSINESS REGISTRATION,
26 ADVERTISING, CAPITAL INVESTMENT, OR FORMAL BUSINESS ENTITY OR
27 TRADE NAME DOES NOT, BY ITSELF, PRECLUDE A FINDING THAT AN
28 INDIVIDUAL IS CUSTOMARILY ENGAGED IN AN INDEPENDENT TRADE,
29 OCCUPATION, PROFESSION, OR BUSINESS.

30 **SECTION 2.** In Colorado Revised Statutes, 8-70-136, **amend** (1)
31 introductory portion as follows:

32 **8-70-136. Employment does not include - brokers.**

33 (1) "Employment" does not include services performed by an
34 individual as a licensed real estate broker or as a direct seller engaged in
35 the trade or business of selling, or soliciting the sale of, a consumer
36 product in a home or in an establishment other than a permanent retail
37 establishment, ~~or as an individual engaged in the trade or business of the~~
38 ~~delivering or distribution of newspapers or shopping news~~, including any
39 services directly related to such trade or business, if:

40 **SECTION 3.** In Colorado Revised Statutes, 8-4-101, **amend** (5)

1 as follows:

2 **8-4-101. Definitions.**

3 As used in this article 4, unless the context otherwise requires:

4 (5) (a) "Employee" means ~~any person~~ AN INDIVIDUAL, including
5 a migratory laborer, performing labor or services for the benefit of an
6 employer. For the purpose of this article 4, relevant factors in determining
7 whether ~~a person~~ AN INDIVIDUAL is an employee include the degree of
8 control the employer may or does exercise over the ~~person~~ INDIVIDUAL
9 and the degree to which the ~~person~~ INDIVIDUAL performs work that is the
10 primary work of the employer; except that an individual primarily free
11 from control and direction in the performance of the service, both under
12 ~~his or her~~ THE INDIVIDUAL'S contract for the performance of service and
13 in fact, and who is customarily engaged in an independent trade,
14 occupation, profession, or business related to the service performed is not
15 an "employee".

16 (b) THE EMPLOYEE STATUS OF AN INDIVIDUAL ENGAGED IN THE
17 DELIVERY OR DISTRIBUTION OF NEWSPAPERS OR SHOPPING NEWS MUST BE
18 DETERMINED IN ACCORDANCE WITH SECTION 8-70-115.5.

19 **SECTION 4. Act subject to petition - effective date -**
20 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
21 the expiration of the ninety-day period after final adjournment of the
22 general assembly (August 12, 2026, if adjournment sine die is on May 13,
23 2026); except that, if a referendum petition is filed pursuant to section 1
24 (3) of article V of the state constitution against this act or an item, section,
25 or part of this act within such period, then the act, item, section, or part
26 will not take effect unless approved by the people at the general election
27 to be held in November 2026 and, in such case, will take effect on the
28 date of the official declaration of the vote thereon by the governor.

29 (2) This act applies to services provided on or after the applicable
30 effective date of this act."

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