

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0727.01 Renee Leone x2695

SENATE BILL 26-091

SENATE SPONSORSHIP

Snyder and Cutter,

HOUSE SPONSORSHIP

Soper,

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING ADDING THE EXCLUSION OF CERTAIN PRINTED NEWS**
102 **DELIVERERS FROM THE DEFINITION OF "EMPLOYEE" IN THE**
103 **"COLORADO EMPLOYMENT SECURITY ACT" TO OTHER STATE**
104 **LABOR LAWS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The "Colorado Employment Security Act" excludes certain individuals engaged in the trade or business of delivering or distributing newspapers or shopping news from the definition of "employee". The bill

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

adds the same exclusion to the "Workers' Compensation Act of Colorado", the "Paid Family and Medical Leave Insurance Act", and provisions concerning wages.

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

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

4 **8-70-115.5. Employment clarification - newspaper delivery**
5 **and distribution - application of independent contractor test.**

6 (1) THE EMPLOYEE STATUS OF AN INDIVIDUAL ENGAGED IN THE
7 DELIVERY OR DISTRIBUTION OF NEWSPAPERS OR SHOPPING NEWS MUST BE
8 DETERMINED PURSUANT TO SECTION 8-70-115, AS CLARIFIED BY THIS
9 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

1 ABSENCE OF A SEPARATE BUSINESS ADDRESS, BUSINESS REGISTRATION,
2 ADVERTISING, CAPITAL INVESTMENT, OR FORMAL BUSINESS ENTITY OR
3 TRADE NAME DOES NOT, BY ITSELF, PRECLUDE A FINDING THAT AN
4 INDIVIDUAL IS CUSTOMARILY ENGAGED IN AN INDEPENDENT TRADE,
5 OCCUPATION, PROFESSION, OR BUSINESS.

6 (4) NOTHING IN THIS SECTION MODIFIES THE INDEPENDENT
7 CONTRACTOR TEST SET FORTH IN SECTION 8-70-115 (1).

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

10 **8-70-136. Employment does not include - brokers.**

11 (1) "Employment" does not include services performed by an
12 individual as a licensed real estate broker or as a direct seller engaged in
13 the trade or business of selling, or soliciting the sale of, a consumer
14 product in a home or in an establishment other than a permanent retail
15 establishment, or as an individual engaged in the trade or business of the
16 delivering or distribution of newspapers or shopping news, including any
17 services directly related to such trade or business, if:

18 **SECTION 3.** In Colorado Revised Statutes, 8-4-101, **amend** (5)
19 as follows:

20 **8-4-101. Definitions.**

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

22 (5) (a) "Employee" means ~~any person~~ AN INDIVIDUAL, including
23 a migratory laborer, performing labor or services for the benefit of an
24 employer. For the purpose of this article 4, relevant factors in determining
25 whether a ~~person~~ AN INDIVIDUAL is an employee include the degree of
26 control the employer may or does exercise over the ~~person~~ INDIVIDUAL
27 and the degree to which the ~~person~~ INDIVIDUAL performs work that is the

1 primary work of the employer; except that an individual primarily free
2 from control and direction in the performance of the service, both under
3 his or her THE INDIVIDUAL'S contract for the performance of service and
4 in fact, and who is customarily engaged in an independent trade,
5 occupation, profession, or business related to the service performed is not
6 an "employee".

7 (b) THE EMPLOYEE STATUS OF AN INDIVIDUAL ENGAGED IN THE
8 DELIVERY OR DISTRIBUTION OF NEWSPAPERS OR SHOPPING NEWS MUST BE
9 DETERMINED IN ACCORDANCE WITH SECTIONS 8-70-115 AND 8-70-115.5.

10 **SECTION 4. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
12 the expiration of the ninety-day period after final adjournment of the
13 general assembly (August 12, 2026, if adjournment sine die is on May 13,
14 2026); except that, if a referendum petition is filed pursuant to section 1
15 (3) of article V of the state constitution against this act or an item, section,
16 or part of this act within such period, then the act, item, section, or part
17 will not take effect unless approved by the people at the general election
18 to be held in November 2026 and, in such case, will take effect on the
19 date of the official declaration of the vote thereon by the governor.

20 (2) This act applies to services provided on or after the applicable
21 effective date of this act.