

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 13, 2022

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

SB22-035 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 4, strike lines 7 through 21 and substitute
2 "(5)(a.5) introductory portion, (5)(b)(II), and (5)(d); **repeal** (5)(e); and
3 **add** (6) as follows:

4 **40-11.5-102. Lease provisions - definitions - rules.** (5) (a.5) if
5 an operator of a commercial vehicle ~~as defined in section 42-4-235~~
6 ~~(1)(a)(I)(B)~~; obtains similar coverage pursuant to this subsection (5), then
7 the operator:

8 (b) ~~For purposes of AS USED IN~~ this subsection (5), "similar
9 coverage" MEANS:".

10 Page 4, after line 21 insert:

11 "(II) For services performed by operators of commercial vehicles,
12 ~~as defined in section 42-4-235 (1)(a)(I)(B)~~, means insurance benefits
13 ~~defined in subsection (5)(b)(I) of this section. The specifications of the~~
14 ~~insurance, including minimum thresholds for coverage and the amount,~~
15 ~~if any, of any deductibles or copayments, must meet or exceed the~~
16 ~~standards set, by rule, by the division of insurance in the department of~~
17 ~~regulatory agencies~~ AN OCCUPATIONAL ACCIDENT INSURANCE POLICY
18 THAT PROVIDES A MINIMUM AGGREGATE POLICY LIMIT OF ONE MILLION
19 FIVE HUNDRED THOUSAND DOLLARS FOR ALL BENEFITS PAID FOR THE
20 BENEFIT OF THE OPERATOR, INCLUDING MEDICAL, TEMPORARY AND
21 PERMANENT DISABILITY, DEATH AND DISMEMBERMENT, AND SURVIVOR
22 BENEFITS.

23 (d) Notwithstanding any other law, if an operator of a commercial
24 vehicle, ~~as defined in section 42-4-235 (1)(a)(I)(B)~~, a motor carrier, or a
25 contract carrier obtains similar coverage pursuant to this subsection (5),
26 articles 40 to 47 of title 8 do not apply.

1 (e) ~~The commissioner of insurance in the division of insurance in~~
2 ~~the department of regulatory agencies shall promulgate rules establishing~~
3 ~~the minimum coverages for benefits under an occupational accident~~
4 ~~policy under this subsection (5).~~
5 (6) (a) AS USED IN THIS SECTION:
6 (I) "COMMERCIAL VEHICLE" HAS THE SAME MEANING AS SET
7 FORTH IN SECTION 42-4-235 (1)(a)(I)(B).
8 (II) "OPERATOR" MEANS THE OPERATOR OF A COMMERCIAL
9 VEHICLE:
10 (A) WHO OWNS, IS PURCHASING, OR IS LEASING THE COMMERCIAL
11 VEHICLE FROM ANY PERSON OTHER THAN THE MOTOR CARRIER; AND
12 (B) IS THE SOLE PROPRIETOR, OWNER, OR PARTNER OF AN
13 APPLICABLE ENTITY; A SHAREHOLDER OF A CORPORATION WHERE THERE
14 ARE NO MORE THAN TWO SHAREHOLDERS OF THE CORPORATION; OR A
15 MEMBER OF THE APPLICABLE ENTITY.
16 (b) FOR THE PURPOSES OF SUBSECTION (6)(a)(II) OF THIS SECTION,
17 THE OWNERSHIP, PURCHASE, OR LEASING OF A COMMERCIAL VEHICLE BY
18 AN APPLICABLE ENTITY IS DEEMED OWNERSHIP, PURCHASE, OR LEASING OF
19 THE COMMERCIAL VEHICLE BY THE SOLE PROPRIETOR, OWNER, OR
20 PARTNER OF AN APPLICABLE ENTITY; A SHAREHOLDER OF A CORPORATION
21 WHERE THERE ARE NO MORE THAN TWO SHAREHOLDERS OF THE
22 CORPORATION; OR A MEMBER OF THE APPLICABLE ENTITY."

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