

CHAPTER 203

LABOR AND INDUSTRY

SENATE BILL 18-178

BY SENATOR(S) Smallwood, Baumgardner, Coram, Crowder, Holbert, Jahn, Kefalas, Lambert, Lundberg, Marble, Martinez Humenik, Neville T., Priola, Scott, Sonnenberg, Tate, Williams A., Grantham;
also REPRESENTATIVE(S) Kraft-Tharp, Liston, Reyher, Winkler.

AN ACT**CONCERNING THE DEFINITION OF SIMILAR COVERAGE FOR WORKERS' COMPENSATION FOR CERTAIN OPERATORS OF COMMERCIAL VEHICLES.**

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

SECTION 1. In Colorado Revised Statutes, 40-11.5-102, **amend** (5)(a) and (5)(b); and **add** (5)(a.5), (5)(d), and (5)(e) as follows:

40-11.5-102. Lease provisions - definitions - rules. (5) (a) Any lease or contract executed pursuant to this section ~~shall~~ **must** provide for coverage under workers' compensation or ~~a private~~ **an occupational accident insurance policy** that provides similar coverage.

(a.5) IF AN OPERATOR OF A COMMERCIAL VEHICLE, AS DEFINED IN SECTION 42-4-235 (1)(a)(I)(B), OBTAINS SIMILAR COVERAGE PURSUANT TO THIS SUBSECTION (5), THEN THE OPERATOR:

(I) IS EXCLUDED FROM THE DEFINITION OF EMPLOYEE FOR PURPOSES OF SECTION 8-40-202 (2);

(II) SHALL NOTIFY THE DIVISION OF WORKERS' COMPENSATION IN THE DEPARTMENT OF LABOR AND EMPLOYMENT OF THE ELECTION, IN A MANNER DETERMINED BY THE DIRECTOR OF THE DIVISION OF WORKERS' COMPENSATION BY RULE; AND

(III) SHALL, ALONG WITH THE MOTOR CARRIER AND CONTRACT CARRIER, PROVIDE PROOF OF THE SIMILAR COVERAGE UPON REQUEST TO INTERESTED PARTIES, INCLUDING THE CARRIER'S WORKERS' COMPENSATION INSURANCE PROVIDER, THE

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

DIVISION OF WORKERS' COMPENSATION, AND THE DIVISION OF INSURANCE.

(b) For purposes of this subsection (5), "similar coverage":

(I) Means ~~disability insurance for on and off the job injury, health insurance, and life insurance~~ BENEFITS DESIGNED FOR INDEPENDENT CONTRACTORS AND SOLE PROPRIETORS WHO REJECT WORKERS' COMPENSATION COVERAGE AND ELECT, PURSUANT TO THIS SUBSECTION (5), COVERAGE PROVIDING MEDICAL, TEMPORARY AND PERMANENT DISABILITY, DEATH AND DISMEMBERMENT, AND SURVIVOR BENEFITS THAT ARE SUBJECT TO REGULATION BY THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES. ~~The specifications of such THE insurance, including the amount of any deductible, shall~~ COVERAGES, EXCLUSIONS, POLICY LIMITS, AND THE AMOUNT, IF ANY, OF ANY DEDUCTIBLES OR COPAYMENTS, MUST BE FILED WITH THE DIVISION OF INSURANCE. ~~THE SPECIFICATIONS MUST MEET OR EXCEED STANDARDS SET BY THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES, and such THE standards shall~~ MUST SPECIFY THAT THE BENEFITS OFFERED BY ~~such THE~~ insurance coverage ~~shall~~ MUST BE AT LEAST COMPARABLE TO THE BENEFITS OFFERED UNDER THE WORKERS' COMPENSATION SYSTEM.

(II) FOR SERVICES PERFORMED BY OPERATORS OF COMMERCIAL VEHICLES, AS DEFINED IN SECTION 42-4-235 (1)(a)(I)(B), MEANS INSURANCE BENEFITS DEFINED IN SUBSECTION (5)(b)(I) OF THIS SECTION. THE SPECIFICATIONS OF THE INSURANCE, INCLUDING MINIMUM THRESHOLDS FOR COVERAGE AND THE AMOUNT, IF ANY, OF ANY DEDUCTIBLES OR COPAYMENTS, MUST MEET OR EXCEED THE STANDARDS SET, BY RULE, BY THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES.

(d) NOTWITHSTANDING ANY OTHER LAW, IF AN OPERATOR OF A COMMERCIAL VEHICLE, AS DEFINED IN SECTION 42-4-235 (1)(a)(I)(B), A MOTOR CARRIER, OR A CONTRACT CARRIER OBTAINS SIMILAR COVERAGE PURSUANT TO THIS SUBSECTION (5), ARTICLES 40 TO 47 OF TITLE 8 DO NOT APPLY.

(e) THE COMMISSIONER OF INSURANCE IN THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES SHALL PROMULGATE RULES ESTABLISHING THE MINIMUM COVERAGES FOR BENEFITS UNDER AN OCCUPATIONAL ACCIDENT POLICY UNDER THIS SUBSECTION (5).

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 4, 2018