

## CHAPTER 182

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**LABOR AND INDUSTRY**

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**HOUSE BILL 18-1308**

BY REPRESENTATIVE(S) Kraft-Tharp and Becker J., Arndt, Liston, Buckner, Covarrubias, Gray, Landgraf, Van Winkle; also SENATOR(S) Hill and Kagan, Kefalas, Kerr, Moreno, Priola, Scott, Aguilar, Baumgardner, Cooke, Donovan, Garcia, Gardner, Guzman, Jahn, Marble, Martinez Humenik, Merrifield, Neville T., Sonnenberg, Tate, Todd, Williams A., Grantham.

**AN ACT****CONCERNING AN EXEMPTION FROM THE "WORKERS' COMPENSATION ACT OF COLORADO" FOR NONRESIDENT EMPLOYERS WHOSE EMPLOYEES ARE TEMPORARILY WORKING IN COLORADO.**

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

**SECTION 1.** In Colorado Revised Statutes, **add** 8-41-212 as follows:

**8-41-212. Exemptions - laws of other state furnish exclusive remedy - definitions.** (1) AN EMPLOYEE WHO WAS HIRED OR IS REGULARLY EMPLOYED OUTSIDE OF COLORADO BY AN OUT-OF-STATE EMPLOYER AND THE OUT-OF-STATE EMPLOYER OF THE EMPLOYEE ARE EXEMPT FROM ARTICLES 40 TO 47 OF THIS TITLE 8 WHILE THE EMPLOYEE IS TEMPORARILY WORKING FOR THE OUT-OF-STATE EMPLOYER WITHIN COLORADO IF:

(a) THE OUT-OF-STATE EMPLOYER HAS FURNISHED COVERAGE PURSUANT TO THE WORKERS' COMPENSATION LAWS OF THE STATE IN WHICH THE EMPLOYEE WAS HIRED OR IS REGULARLY EMPLOYED, WHICH COVERAGE APPLIES TO THE EMPLOYEE WHILE TEMPORARILY WORKING IN COLORADO; AND

(b) THE STATE IN WHICH THE EMPLOYEE IS FURNISHED COVERAGE:

(I) IS CONTIGUOUS TO COLORADO; AND

(II) RECOGNIZES THIS SECTION AND PROVIDES THE SAME EXEMPTION FROM THE APPLICATION OF ITS WORKERS' COMPENSATION LAWS FOR COLORADO EMPLOYERS WHOSE EMPLOYEES ARE TEMPORARILY WORKING IN THE CONTIGUOUS STATE.

(2) FOR AN OUT-OF-STATE EMPLOYEE AND OUT-OF-STATE EMPLOYER TO WHICH

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*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.*

THIS SECTION APPLIES, THE BENEFITS PROVIDED UNDER THE WORKERS' COMPENSATION LAWS OF THE STATE IN WHICH THE EMPLOYEE IS FURNISHED COVERAGE ARE THE EXCLUSIVE REMEDY AGAINST THE OUT-OF-STATE EMPLOYER FOR ANY INJURY, WHETHER RESULTING IN DEATH OR NOT, THAT THE EMPLOYEE INCURS WHILE WORKING FOR THE OUT-OF-STATE EMPLOYER IN COLORADO.

(3) THE DIVISION MAY ENTER INTO AN AGREEMENT WITH ANY WORKERS' COMPENSATION DIVISION OR SIMILAR AGENCY OF A CONTIGUOUS STATE TO PROMULGATE RULES CONSISTENT WITH THIS SECTION TO CARRY OUT THE EXTRATERRITORIAL APPLICATION OF THE WORKERS' COMPENSATION OR SIMILAR LAW OF THE AGREEING STATE.

(4) NOTHING IN THIS SECTION CONTRAVENES THE LEGAL OBLIGATIONS OF COLORADO EMPLOYERS TO PROVIDE WORKERS' COMPENSATION TO THEIR EMPLOYEES IN COMPLIANCE WITH ARTICLES 40 TO 47 OF THIS TITLE 8.

(5) AS USED IN THIS SECTION:

(a) "OUT-OF-STATE EMPLOYER" MEANS AN EMPLOYER THAT IS DOMICILED IN ANOTHER STATE.

(b) "TEMPORARILY" OR "TEMPORARILY WORKING" MEANS:

(I) A PERIOD OF SUSTAINED WORK THAT DOES NOT EXCEED SIX MONTHS; OR

(II) ENGAGING IN THE INTERSTATE MOVEMENT OF GOODS OR COMMODITIES.

**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: April 30, 2018