

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-0874.01 Yelana Love x2295

SENATE BILL 18-178

SENATE SPONSORSHIP

Smallwood,

HOUSE SPONSORSHIP

Kraft-Tharp,

Senate Committees
Business, Labor, & Technology

House Committees
Business Affairs and Labor

HOUSE
3rd Reading Unamended
April 19, 2018

A BILL FOR AN ACT

101 **CONCERNING THE DEFINITION OF SIMILAR COVERAGE FOR WORKERS'**
102 **COMPENSATION FOR CERTAIN OPERATORS OF COMMERCIAL**
103 **VEHICLES.**

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>.)

HOUSE
2nd Reading Unamended
April 18, 2018

SENATE
3rd Reading Unamended
March 27, 2018

Current law requires independent operators of commercial vehicles to have workers' compensation or a private insurance policy that provides similar coverage. The bill changes "private insurance policy" to "occupational accident coverage insurance policy" and specifies the requirements for when such a policy may be considered as providing

SENATE
Amended 2nd Reading
March 26, 2018

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

similar coverage.

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

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

4 **40-11.5-102. Lease provisions - definitions - rules.** (5) (a) Any
5 lease or contract executed pursuant to this section ~~shall~~ MUST provide for
6 coverage under workers' compensation or ~~a private~~ AN OCCUPATIONAL
7 ACCIDENT insurance policy that provides similar coverage.

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

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

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

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

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

23 (I) Means ~~disability insurance for on and off the job injury, health~~
24 ~~insurance, and life~~ insurance BENEFITS DESIGNED FOR INDEPENDENT
25 CONTRACTORS AND SOLE PROPRIETORS WHO REJECT WORKERS'

1 COMPENSATION COVERAGE AND ELECT, PURSUANT TO THIS SUBSECTION
2 (5), COVERAGE PROVIDING MEDICAL, TEMPORARY AND PERMANENT
3 DISABILITY, DEATH AND DISMEMBERMENT, AND SURVIVOR BENEFITS THAT
4 ARE SUBJECT TO REGULATION BY THE DIVISION OF INSURANCE IN THE
5 DEPARTMENT OF REGULATORY AGENCIES. The specifications of ~~such~~ THE
6 insurance, including ~~the amount of any deductible, shall~~ COVERAGES,
7 EXCLUSIONS, POLICY LIMITS, AND THE AMOUNT, IF ANY, OF ANY
8 DEDUCTIBLES OR COPAYMENTS, MUST BE FILED WITH THE DIVISION OF
9 INSURANCE. THE SPECIFICATIONS MUST meet or exceed standards set by
10 the division of insurance ~~in the department of regulatory agencies~~, and
11 ~~such~~ THE standards ~~shall~~ MUST specify that the benefits offered by ~~such~~
12 THE insurance coverage ~~shall~~ MUST be at least comparable to the benefits
13 offered under the workers' compensation system.

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

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

27 (e) THE COMMISSIONER OF INSURANCE IN THE DIVISION OF

1 INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES SHALL
2 PROMULGATE RULES ESTABLISHING THE MINIMUM COVERAGES FOR
3 BENEFITS UNDER AN OCCUPATIONAL ACCIDENT POLICY UNDER THIS
4 SUBSECTION (5).

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