

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 13-0209.01 Bart Miller x2173

**HOUSE BILL 13-1025**

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**HOUSE SPONSORSHIP**

**Swalm,**

**SENATE SPONSORSHIP**

**Jahn,**

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**House Committees**

Business, Labor, Economic, & Workforce Development

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING AN INCREASE IN THE AMOUNT OF THE AUTHORIZED**  
102            **DEDUCTIBLE FOR WORKERS' COMPENSATION INSURANCE**  
103            **POLICIES.**

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**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://www.leg.state.co.us/billsummaries>.)*

Current workers' compensation law allows employers a deductible of up to \$5,000 in a workers' compensation policy. This bill increases the amount of the authorized deductible up to the amount of the workers' compensation insurance rate split point approved by the commissioner of

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

HOUSE  
3rd Reading Unamended  
February 20, 2013

HOUSE  
Amended 2nd Reading  
February 19, 2013

insurance.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-44-111, **amend** (1)  
3 as follows:

4 **8-44-111. Workers' compensation insurance - deductibles -**  
5 **definition.** (1) (a) Any employer may agree, as a condition of any  
6 contract for the insurance of compensation and benefits as provided in  
7 articles 40 to 47 of this title or against liability therefor, to pay an amount  
8 not to exceed ~~five thousand dollars~~ THE SPLIT POINT APPROVED BY THE  
9 COMMISSIONER OF INSURANCE per claim toward the total amount of any  
10 claim payable under articles 40 to 47 of this title. The amount of premium  
11 to be paid by an employer who agrees to pay such deductible shall be  
12 reduced based upon such deductible in an amount determined by the  
13 insurance carrier.

14 (b) AS USED IN THIS SUBSECTION (1), "SPLIT POINT" MEANS THE  
15 AMOUNT OF EACH LOSS APPROVED BY THE COMMISSIONER OF INSURANCE  
16 THAT AN INSURER MAY APPLY AS THE PRIMARY LOSS IN EACH WORKERS'  
17 COMPENSATION CLAIM. THE FULL AMOUNT OF PRIMARY LOSSES COUNTS  
18 IN EACH EMPLOYER'S EXPERIENCE MODIFICATION CALCULATION THAT  
19 DETERMINES THE EMPLOYER'S PERCENTAGE CREDIT OR SURCHARGE ON  
20 WORKERS' COMPENSATION COVERAGE. THE LOSS AMOUNT ABOVE THE  
21 SPLIT POINT IS EXCESS LOSS AND CONSTITUTES PART OF EACH EMPLOYER'S  
22 EXPERIENCE MODIFICATION CALCULATION.

23 (c) NOTHING IN THIS SECTION ABROGATES AN EMPLOYER'S  
24 RESPONSIBILITY TO PAY THE FULL AMOUNT OF ANY COMPENSATION AND  
25 BENEFITS DUE UNDER ARTICLES 40 TO 47 OF THIS TITLE. IT IS A VIOLATION

1 OF THIS TITLE FOR AN EMPLOYER OR, IF INSURED, THE INSURER TO REQUIRE  
2 ANY EMPLOYEE TO PAY ANY PART OF THE COMPENSATION AND BENEFITS  
3 DUE UNDER ARTICLES 40 TO 47 OF THIS TITLE.

4 (d) IT IS A VIOLATION OF THIS TITLE FOR AN EMPLOYER OR, IF  
5 INSURED, THE INSURER TO REQUIRE AN EMPLOYEE TO USE ANY OTHER  
6 TYPE OF INSURANCE, REGARDLESS OF WHETHER IT IS PROVIDED AS A  
7 BENEFIT OF EMPLOYMENT, OR ANY OTHER EMPLOYMENT BENEFIT, TO PAY  
8 ANY PORTION OF ANY COMPENSATION AND BENEFITS DUE UNDER ARTICLES  
9 40 TO 47 OF THIS TITLE.

10 **SECTION 2. Effective date - applicability.** This act takes effect  
11 July 1, 2013, and applies to new and renewing workers' compensation  
12 insurance policies on or after said date.

13 **SECTION 3. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.