

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

ENGROSSED

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

LLS NO. 13-0672.02 Kristen Forrestal x4217

SENATE BILL 13-147

SENATE SPONSORSHIP

Jahn,

HOUSE SPONSORSHIP

Gardner,

Senate Committees
Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING AN EMPLOYER'S WORKERS' COMPENSATION LIABILITY**
102 **TO A PERSON WHEN THE PERSON IS INJURED WHILE NOT ON THE**
103 **EMPLOYER'S PREMISES.**

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>.)

The bill clarifies that an employer is not liable as a statutory employer when a lessee, sublessee, contractor, or subcontractor, or their employee, is injured while not on the employer's premises.

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.

SENATE
Amended 2nd Reading
April 16, 2013

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-41-401, **amend** (1)

3 (a) as follows:

4 **8-41-401. Lessor contractor-out deemed employer - liability**

5 **- recovery.** (1) (a) (I) Any person, company, or corporation operating or

6 engaged in or conducting any business by leasing or contracting out any

7 part or all of the work thereof to any lessee, sublessee, contractor, or

8 subcontractor, irrespective of the number of employees engaged in such

9 work, shall be construed to be an employer as defined in articles 40 to 47

10 of this title and shall be liable as provided in said articles to pay

11 compensation for injury or death resulting therefrom to said lessees,

12 sublessees, contractors, and subcontractors and their employees or

13 employees' dependents, except as otherwise provided in subsection (3) of

14 this section.

15 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH

16 (a) AND ANY OTHER PROVISION OF LAW TO THE CONTRARY, IT IS

17 PRESUMED THAT A BUYER OF GOODS IS NOT LIABLE AS A STATUTORY

18 EMPLOYER WHEN A LESSEE, SUBLESSEE, CONTRACTOR, OR

19 SUBCONTRACTOR, OR THEIR EMPLOYEE WHO IS DELIVERING THE GOODS TO

20 THE BUYER INJURES HIMSELF OR HERSELF WHILE NOT ON THE BUYER'S

21 PREMISES. THE PRESUMPTION MAY BE OVERCOME BY A SHOWING THAT

22 THE LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR, OR THEIR

23 EMPLOYEE WAS PERFORMING A JOB FUNCTION THAT WOULD NORMALLY BE

24 PERFORMED BY AN EMPLOYEE OF THE BUYER OF THE GOODS BEING

25 DELIVERED. NOTHING IN THIS SUBPARAGRAPH (II) CREATES A

26 PRESUMPTION OF A STATUTORY EMPLOYER-EMPLOYEE RELATIONSHIP

1 WHEN AN INJURY OCCURS ON THE BUYER'S PREMISES.

2 (III) FOR THE PURPOSES OF THIS SECTION, A "STATUTORY
3 EMPLOYER" IS AN EMPLOYER WHO IS RESPONSIBLE TO PAY WORKERS'
4 COMPENSATION BENEFITS PURSUANT TO SUBPARAGRAPH (I) OF THIS
5 PARAGRAPH (a).

6 **SECTION 2. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.