

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 26-093

BY SENATOR(S) Sullivan, Benavidez, Cutter, Exum, Gonzales J., Jodeh, Kipp, Marchman, Mullica, Wallace, Coleman;  
also REPRESENTATIVE(S) Mauro and Lindsay, Bacon, Boesenecker, Carter, Clifford, English, Froelich, Lieder, Nguyen.

CONCERNING ENSURING COMPLIANCE WITH WORKERS' COMPENSATION  
INSURANCE COVERAGE REQUIREMENTS.

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

**SECTION 1.** In Colorado Revised Statutes, **add** 8-41-213 as follows:

**8-41-213. Declaration of workers' compensation required - building permit - construction permit - definitions.**

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "APPLICANT" MEANS A PERSON APPLYING FOR A PERMIT WITH THE PERMITTING AGENCY OF A GOVERNMENTAL ENTITY.

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

(b) "DECLARATION" MEANS A FORM DESIGNATED BY THE DIVISION AND AVAILABLE ON THE DIVISION'S WEBSITE THAT ENSURES ANY PERSON, INCLUDING ANY SUBCONTRACTORS, WORKING UNDER A PERMIT MAINTAINS WORKERS' COMPENSATION INSURANCE COVERAGE IN COMPLIANCE WITH THE REQUIREMENTS OF ARTICLES 40 TO 47 OF THIS TITLE 8 FOR THE DURATION OF THE WORK PERFORMED UNDER THE PERMIT.

(c) (I) "GOVERNMENTAL ENTITY" MEANS THE STATE, A COUNTY, A MUNICIPALITY, A CITY AND COUNTY, OR OTHER POLITICAL SUBDIVISION OF THE STATE.

(II) "GOVERNMENTAL ENTITY" DOES NOT INCLUDE A SPECIAL DISTRICT.

(d) "PERMIT" MEANS A BUILDING PERMIT OR CONSTRUCTION PERMIT FOR A PROJECT WITH A TOTAL CONSTRUCTION COST OF MORE THAN ONE MILLION DOLLARS, EXCEPT FOR A PERMIT ISSUED BY THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

(2) PRIOR TO COMMENCING ANY WORK UNDER A PERMIT, AN APPLICANT SHALL FILE A SIGNED DECLARATION UNDER PENALTY OF PERJURY WITH THE PERMITTING AGENCY ENSURING THAT ANY PERSON, INCLUDING ANY SUBCONTRACTORS, WORKING UNDER THE PERMIT MAINTAINS WORKERS' COMPENSATION INSURANCE COVERAGE IN COMPLIANCE WITH THE REQUIREMENTS OF ARTICLES 40 TO 47 OF THIS TITLE 8 FOR THE DURATION OF THE WORK PERFORMED UNDER THE PERMIT.

(3) A PERSON MAY FILE A COMPLAINT WITH THE DIVISION ALLEGING A PERSON'S WORKERS' COMPENSATION INSURANCE COVERAGE IS NOT IN COMPLIANCE WITH THE REQUIREMENTS OF ARTICLES 40 TO 47 OF THIS TITLE 8.

**SECTION 2. Applicability.** This act applies to conduct occurring on or after the effective date of this act, including determinations of permit or license applications pending on the effective date.

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

the support and maintenance of the departments of the state and state institutions.

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James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Esther van Mourik  
SECRETARY OF  
THE SENATE

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Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO