

**NOTE: This bill has been prepared for the signature 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 10-112

BY SENATOR(S) Kopp, Carroll M.;  
also REPRESENTATIVE(S) Swalm, Gerou, Kerr J., Looper, Nikkel,  
Roberts, Stephens, Summers.

CONCERNING RATE SETTING FOR WORKERS' COMPENSATION INSURANCE.

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

**SECTION 1.** 8-44-111 (3), Colorado Revised Statutes, is amended to read:

**8-44-111. Workers' compensation insurance - deductibles.**

(3) The deductible amounts paid by any employer under the provisions of this section shall be excluded from consideration by insurance carriers authorized to transact business in Colorado, including Pinnacol Assurance, which insures employers against liability for compensation under the provisions of articles 40 to 47 of this title, in establishing the modification factors based upon experience used by such insurance carriers to determine premiums. FOR PURPOSES OF EXPERIENCE MODIFICATIONS, MEDICAL ONLY CLAIMS SHALL BE CALCULATED IN THE SAME MANNER AS CLAIMS WITH INDEMNITY PAYMENTS.

**SECTION 2.** 10-4-401 (3) (a) (I), Colorado Revised Statutes, is

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

amended to read:

**10-4-401. Purpose - applicability.** (3) The kinds of insurance subject to this part 4 shall be divided into two classes, as follows:

(a) Type I kinds of insurance, regulated by prior filing and approval of rating information, which shall be subject to all provisions of this part 4 unless specifically excluded by the terms of a section. The following kinds of insurance shall be classified as type I:

(I) Workers' compensation and employer's liability incidental thereto for any pure premium rate filed by a rating organization. WITH REGARD TO A RATE FILING SUBMITTED BY A RATING ORGANIZATION, THE COMMISSIONER SHALL MAKE AVAILABLE TO THE PUBLIC, IN A MANNER DEEMED APPROPRIATE BY THE COMMISSIONER, THE AGGREGATE LOSS AND PAYROLL DATA BY CLASS CODE THAT THE RATING ORGANIZATION SUBMITS WITH THE RATE FILING. SUCH DATA SHALL NOT BE USED FOR ANY COMMERCIAL PURPOSE.

**SECTION 3. Act subject to petition - specified effective date.**

(1) Except as provided in subsection (2) of this section, this act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall

take effect on the date of the official declaration of the vote thereon by the governor.

(2) Section 1 of this act shall take effect January 1, 2011.

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Terrance D. Carroll  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Karen Goldman  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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Bill Ritter, Jr.  
GOVERNOR OF THE STATE OF COLORADO