

1967

Amending 81-3-2, 81-3-3, and 81-18-8, Colorado Revised Statutes 1963, Relating to Insurance Carriers Under "The Workmen's Compensation Act of Colorado" and "The Colorado Occupational Disease Disability Act"

Colorado General Assembly

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CHAPTER 388

LABOR II—WORKMEN'S COMPENSATION

INSURANCE CARRIERS

(House Bill No. 1431. By Representative Braden; also Senators Bermingham, Cisneros, Hobbs, Lucas, Massari, and Schieffelin.)

A N A C T

AMENDING 81-3-2, 81-3-3, 81-4-4, AND 81-18-8, COLORADO REVISED STATUTES 1963, RELATING TO INSURANCE CARRIERS UNDER "THE WORKMEN'S COMPENSATION ACT OF COLORADO" AND "THE COLORADO OCCUPATIONAL DISEASE DISABILITY ACT".

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

Section 1. 81-3-2, Colorado Revised Statutes 1963, is amended to read:

81-3-2. Liability of employer complying.—Any employer who has elected to and has complied with the provisions of this chapter, including the provisions relating to insurance, shall not be subject to the provisions of section 81-3-1; nor shall such employer OR THE INSURANCE CARRIER, IF ANY, INSURING SUCH EMPLOYER'S LIABILITY UNDER THIS CHAPTER be subject to any other liability whatsoever for the death of or personal injury to any employee, except as provided in this chapter; and all causes of action, actions at law, suits in equity, and proceedings whatever, and all statutory and common law rights and remedies for and on account of such death of, or personal injury to any such employee and accruing to any and all persons whomsoever, are hereby abolished except as provided in this chapter.

Section 2. 81-3-3, Colorado Revised Statutes 1963, is amended to read:

81-3-3. Availability of common law defenses.—If an employer has elected to and has complied with the provisions of this chapter, including the provisions thereof relating to insurance, and an action is brought against such employer OR HIS INSURANCE CARRIER to recover damages for personal injuries or death sustained by an employee who has elected not to come under this chapter, then such employer AND HIS INSURANCE CARRIER shall have all the defenses to such an action which ~~he~~ THEY would have had if this chapter and sections 80-5-1 to 80-5-5 had not been enacted.

Section 3. 81-4-4, Colorado Revised Statutes 1963, is amended to read:

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

81-4-4. Acceptance as surrender of other remedies.—Such election and compliance with the provisions of this chapter, including the provisions for insurance, shall be, and be construed to be, a surrender by the employer, **HIS INSURANCE CARRIER**, and the employee of their rights to any other method, form, or amount of compensation or determination thereof, or to any cause of action, action at law, suit in equity, or statutory or common law right or remedy or proceeding whatever for or on account of such personal injuries or death of such employee than as provided in this chapter, and shall be an acceptance of all the provisions of this chapter, and shall bind the employee himself, and for compensation for his death, shall bind his personal representatives, his widow and next of kin, as well as the employer, **HIS INSURANCE CARRIER**, and those conducting **his THEIR** business during bankruptcy or insolvency.

Section 4. 81-18-8, Colorado Revised Statutes 1963, is amended to read:

81-18-8. Compensation exclusive remedy.—In all cases where the employer and the employee are subject to the provisions of this article, and where the employer has complied with the provisions of this article regarding insurance, the liability of the employer under this article **AND HIS INSURANCE CARRIER, IF ANY, INSURING SUCH EMPLOYER'S LIABILITY** to such employee or to his spouse, children, parents, dependents, next of kin, personal representatives, guardian or any others for any injury to health or on account of death from any disease set forth in section 81-18-9, in any way contracted, sustained, or incurred by such employee in the course of, or because of, or arising out of his employment shall be exclusive and shall be in place of any and all civil liability whatsoever at common law or otherwise.

Section 5. Safety clause.—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 12, 1967 .