

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-1040.01 Richard Sweetman x4333

**HOUSE BILL 19-1283**

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**HOUSE SPONSORSHIP**

**Roberts,**

**SENATE SPONSORSHIP**

**Rodriguez,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING    REQUIRING    INSURERS    TO    DISCLOSE    CERTAIN**  
102      **INFORMATION CONCERNING INSURANCE 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://leg.colorado.gov>.)*

The bill requires an insurer that provides or may provide liability insurance coverage to pay all or a portion of a pending or prospective claim to provide to a claimant via mail, facsimile, or electronic delivery, within 30 days after receiving a written request from the claimant, a statement, made under oath, of a corporate officer setting forth the following information with regard to each known policy of insurance,

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

including excess or umbrella insurance:

- ! The name of the insurer;
- ! The name of each insured party;
- ! The limits of the liability coverage;
- ! A statement of any policy or coverage defense that the insurer reasonably believes is available to the insurer at the time of making the statement; and
- ! A copy of the policy.

An insured party, or the insured party's insurance agent, upon written request of a claimant or a claimant's attorney, shall disclose to the claimant or claimant's attorney the name and coverage of each known insurer of the insured party and shall forward the request to all affected insurers. An insurer that receives such a request shall supply the requested information to the claimant or the claimant's attorney within 30 days of the receipt of the request.

An insurer or an insured party that violates the disclosure requirement is liable to the requesting claimant for damages in an amount of \$100 per day, beginning on and including the thirty-first day following the claimant's written request. The penalty accrues until the insurer or an insured party provides the information required. An insurer or insured party who fails to make a required disclosure is also responsible for attorney fees and costs incurred by a claimant in enforcing the penalty.

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

2           **SECTION 1.** In Colorado Revised Statutes, **amend** 10-3-1101 as  
3 follows:

4           **10-3-1101. Legislative declaration.** (1) The purpose of this part  
5 11 is to regulate trade practices in the business of insurance by defining,  
6 or providing for the determination of, all such practices in this state ~~which~~  
7 THAT constitute unfair methods of competition or unfair or deceptive acts  
8 or practices, and by prohibiting the trade practices so defined or  
9 determined. No rules or regulations ~~shall~~ MAY be promulgated to  
10 adversely affect free and open competition in the sale of insurance.

11           (2) IT IS IN THE BEST INTERESTS OF THE CITIZENS OF THIS STATE TO  
12 HAVE TRANSPARENCY IN THE INSURANCE CLAIMS PROCESS TO FURTHER  
13 THE PUBLIC POLICY OF ENCOURAGING SETTLEMENT AND PREVENTING

1 UNNECESSARY LITIGATION. CLAIMANTS AND INJURED PARTIES SHOULD  
2 FULLY UNDERSTAND THE TOTAL AMOUNT OF INSURANCE COVERAGE  
3 AVAILABLE TO THEM. IN ADDITION, BECAUSE PAYMENT OF UNINSURED  
4 AND UNDER-INSURED MOTORIST BENEFITS COVERS THE DIFFERENCE  
5 BETWEEN THE AMOUNT OF THE LIMITS OF ANY LEGAL LIABILITY COVERAGE  
6 AND THE AMOUNT OF THE DAMAGES SUSTAINED, IT IS IMPORTANT THAT  
7 THE CITIZENS OF THIS STATE HAVE ACCURATE AND RELIABLE  
8 INFORMATION ABOUT THE AMOUNT OF LEGAL LIABILITY COVERAGE  
9 AVAILABLE FOR A CLAIM. PROVIDING INFORMATION TO COLORADO  
10 RESIDENTS CONCERNING THE AMOUNT OF LIABILITY COVERAGE WILL:

11 (a) HELP COLORADO RESIDENTS EVALUATE WHETHER THEIR  
12 UNINSURED OR UNDER-INSURED MOTORIST COVERAGE WILL BE  
13 TRIGGERED; AND

14 (b) ALLOW AN INSURER WHO PROVIDES UNINSURED OR  
15 UNDER-INSURED MOTORIST COVERAGE OR POLICIES MORE TIME TO  
16 EVALUATE AND PLACE RESERVES ON CLAIMS.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 10-3-1117 as  
18 follows:

19 **10-3-1117. Required disclosures - liability.** (1) NOT MORE THAN  
20 THIRTY DAYS AFTER RECEIVING A WRITTEN REQUEST FROM AN INSURED  
21 PARTY, AN INSURER THAT ISSUES A POLICY OF INSURANCE FOR DELIVERY  
22 IN THIS STATE SHALL PROVIDE TO THE INSURED PARTY A COPY OF THE  
23 COMPLETE POLICY OF INSURANCE, INCLUDING ANY ENDORSEMENTS.

24 (2) (a) EACH INSURER THAT PROVIDES OR MAY PROVIDE LIABILITY  
25 INSURANCE COVERAGE TO PAY ALL OR A PORTION OF A PENDING OR  
26 PROSPECTIVE CLAIM SHALL PROVIDE TO THE CLAIMANT OR PROSPECTIVE  
27 CLAIMANT VIA MAIL, FACSIMILE, OR ELECTRONIC DELIVERY, WITHIN

1 THIRTY DAYS AFTER RECEIVING A WRITTEN REQUEST FROM THE CLAIMANT  
2 OR PROSPECTIVE CLAIMANT, A STATEMENT, MADE UNDER OATH, OF A  
3 CORPORATE OFFICER SETTING FORTH THE FOLLOWING INFORMATION WITH  
4 REGARD TO EACH KNOWN POLICY OF INSURANCE, INCLUDING EXCESS OR  
5 UMBRELLA INSURANCE, THAT IS OR MAY BE RELEVANT TO THE CLAIM:

- 6 (I) THE NAME OF THE INSURER;
- 7 (II) THE NAME OF EACH INSURED PARTY;
- 8 (III) THE LIMITS OF THE LIABILITY COVERAGE;
- 9 (IV) A STATEMENT OF ANY POLICY OR COVERAGE DEFENSE THAT  
10 THE INSURER REASONABLY BELIEVES IS AVAILABLE TO THE INSURER AT  
11 THE TIME OF MAKING THE STATEMENT; AND  
12 (V) A COPY OF THE POLICY.

13 (b) AN INSURED PARTY, OR AN INSURED PARTY'S INSURANCE  
14 AGENT, UPON WRITTEN REQUEST OF A CLAIMANT OR A CLAIMANT'S  
15 ATTORNEY, SHALL DISCLOSE TO THE CLAIMANT OR CLAIMANT'S ATTORNEY  
16 THE NAME AND COVERAGE OF EACH KNOWN INSURER OF THE INSURED  
17 PARTY AND SHALL FORWARD THE REQUEST TO ALL AFFECTED INSURERS.  
18 AN INSURER THAT RECEIVES A REQUEST PURSUANT TO THIS SUBSECTION  
19 (2)(b) SHALL SUPPLY THE REQUESTED INFORMATION TO THE CLAIMANT OR  
20 THE CLAIMANT'S ATTORNEY WITHIN THIRTY DAYS OF THE RECEIPT OF THE  
21 REQUEST.

22 (3) AN INSURER OR AN INSURED PARTY THAT VIOLATES THIS  
23 SECTION IS LIABLE TO THE REQUESTING CLAIMANT FOR DAMAGES IN AN  
24 AMOUNT OF ONE HUNDRED DOLLARS PER DAY, BEGINNING ON AND  
25 INCLUDING THE THIRTY-FIRST DAY FOLLOWING THE CLAIMANT'S WRITTEN  
26 REQUEST. THE PENALTY ACCRUES UNTIL THE INSURER OR AN INSURED  
27 PARTY PROVIDES THE INFORMATION REQUIRED BY THIS SECTION. AN

1 INSURER OR INSURED PARTY THAT FAILS TO MAKE A DISCLOSURE  
2 REQUIRED BY THIS SECTION IS ALSO RESPONSIBLE FOR ATTORNEY FEES AND  
3 COSTS INCURRED BY A CLAIMANT IN ENFORCING THE PENALTY.

4           **SECTION 3. Act subject to petition - effective date.** This act  
5 takes effect at 12:01 a.m. on the day following the expiration of the  
6 ninety-day period after final adjournment of the general assembly (August  
7 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
8 referendum petition is filed pursuant to section 1 (3) of article V of the  
9 state constitution against this act or an item, section, or part of this act  
10 within such period, then the act, item, section, or part will not take effect  
11 unless approved by the people at the general election to be held in  
12 November 2020 and, in such case, will take effect on the date of the  
13 official declaration of the vote thereon by the governor.