

CHAPTER 113

INSURANCE

HOUSE BILL 19-1150

BY REPRESENTATIVE(S) Titone, Bird, Buentello, Caraveo, Cutter, Duran, Esgar, Froelich, Galindo, Gonzales-Gutierrez, Hansen, Jaquez Lewis, Kennedy, Lontine, McCluskie, Michaelson Jenet, Mullica, Roberts, Sirota, Sullivan, Weissman; also SENATOR(S) Danielson, Bridges, Court, Donovan, Ginal, Moreno, Pettersen, Priola, Rodriguez, Story, Tate, Winter.

AN ACT**CONCERNING THE RECREATION OF THE CONSUMER INSURANCE COUNCIL AS AN ADVISORY BODY TO THE COMMISSIONER OF INSURANCE.**

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

SECTION 1. In Colorado Revised Statutes, **recreate and reenact, with amendments**, 10-1-133 as follows:

10-1-133. Consumer insurance council - creation - advisory body - appointment of members - meetings - repeal. (1) THERE IS HEREBY CREATED IN THE DIVISION THE CONSUMER INSURANCE COUNCIL, ALSO REFERRED TO IN THIS SECTION AS THE "COUNCIL". THE COUNCIL IS AN ADVISORY BODY TO THE COMMISSIONER CONCERNING INSURANCE MATTERS OF INTEREST TO THE PUBLIC. NOTHING IN THIS SECTION DIVESTS THE COMMISSIONER OF THE COMMISSIONER'S AUTHORITY TO REGULATE THE BUSINESS OF INSURANCE.

(2) (a) THE COUNCIL CONSISTS OF AT LEAST SIX AND NOT MORE THAN FIFTEEN MEMBERS APPOINTED BY THE COMMISSIONER, ALL OF WHOM MUST REPRESENT CONSUMER ORGANIZATIONS OR BE CONSUMERS WHO ARE NOT ENGAGED, DIRECTLY OR INDIRECTLY, IN THE INSURANCE INDUSTRY OR ANY OTHER INDUSTRY, BUSINESS, OR PROFESSION THAT MIGHT PRESENT A CONFLICT OF INTEREST, AS DETERMINED BY THE COMMISSIONER. TO THE GREATEST EXTENT POSSIBLE, THE COUNCIL MUST REFLECT THE GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY OF THE STATE. INSURANCE PRODUCERS, INSURANCE INDUSTRY REPRESENTATIVES, ACTIVELY PRACTICING HEALTH CARE PROVIDERS, AND ANY OTHER INDIVIDUALS WHO MAY HAVE A CONFLICT OF INTEREST, AS DETERMINED BY THE COMMISSIONER, ARE NOT ELIGIBLE FOR MEMBERSHIP ON THE COUNCIL.

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) THE COMMISSIONER SHALL APPOINT MEMBERS OF THE COUNCIL IN A TIMELY MANNER. MEMBERS SHALL SERVE TWO-YEAR TERMS WITH A MAXIMUM OF THREE CONSECUTIVE TERMS.

(c) THREE OR MORE UNEXCUSED ABSENCES OF A MEMBER OF THE COUNCIL CONSTITUTE GROUNDS FOR THE REMOVAL OF THE MEMBER. THE CHAIR OF THE COUNCIL, IN CONSULTATION WITH THE COMMISSIONER, SHALL DETERMINE WHETHER A MEMBER WITH THREE OR MORE UNEXCUSED ABSENCES MAY CONTINUE SERVICE ON THE COUNCIL. IF A MEMBER IS REMOVED, THE COMMISSIONER SHALL APPOINT A NEW MEMBER TO SERVE THE REMAINING PORTION OF THE TWO-YEAR TERM.

(d) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION BUT ARE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN TRAVELING TO AND FROM COUNCIL MEETINGS, INCLUDING ANY REQUIRED DEPENDENT CARE AND DEPENDENT OR ATTENDANT TRAVEL, FOOD, AND LODGING EXPENSES.

(3) (a) THE COUNCIL SHALL ELECT A CHAIR FROM ITS MEMBERSHIP. THE CHAIR SHALL SERVE A ONE-YEAR TERM AND MAY BE ELECTED TO ANOTHER ONE-YEAR TERM.

(b) THE COUNCIL SHALL ELECT A VICE-CHAIR FROM ITS MEMBERSHIP. THE VICE-CHAIR SHALL SERVE IN THE ABSENCE OF THE CHAIR. THE VICE-CHAIR SHALL SERVE A ONE-YEAR TERM AND MAY BE ELECTED TO ANOTHER ONE-YEAR TERM.

(4) (a) THE COUNCIL SHALL MEET QUARTERLY AND MAY REQUEST UP TO FOUR ADDITIONAL MEETINGS PER YEAR. ALL MEETINGS OF THE COUNCIL ARE OPEN TO THE PUBLIC. GENERAL MEETINGS OF THE COUNCIL SHALL BE HELD AT THE OFFICE OF THE DIVISION. THE COUNCIL MAY MEET IN OTHER LOCATIONS OF THE STATE AS AGREED UPON BY THE COUNCIL. MEMBERS OF THE COUNCIL MAY PARTICIPATE IN MEETINGS VIA TELEPHONIC COMMUNICATIONS.

(b) A COUNCIL MEMBER MAY REQUEST A SPECIAL MEETING. REQUESTS FOR SPECIAL MEETINGS MUST BE MADE TO THE CHAIR OF THE COUNCIL.

(c) ALL MEMBERS OF THE COUNCIL MAY REQUEST TOPICS OF DISCUSSION FOR THE COUNCIL.

(d) THE COUNCIL MUST ACT BY CONSENSUS.

(e) THE COUNCIL MAY SUBMIT RECOMMENDATIONS TO THE COMMISSIONER, INCLUDING LEGISLATIVE RECOMMENDATIONS. IF THE COUNCIL SUBMITS A RECOMMENDATION TO THE COMMISSIONER, THE COMMISSIONER SHALL PROVIDE A RESPONSE TO THE COUNCIL, IN A TIMELY MANNER, REGARDING THE RECOMMENDATION AND HOW THE COMMISSIONER WILL ADDRESS THE RECOMMENDATION.

(5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029. BEFORE THE REPEAL, THE COUNCIL IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

SECTION 2. In Colorado Revised Statutes, 2-3-1203, **repeal** (6); and **add** (20) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (6) ~~(a) The following statutory authorizations for the designated advisory committees will repeal on July 1, 2018:~~

~~(f) The consumer insurance council created in section 10-1-133, C.R.S.~~

~~(ff) to (v) Repealed.~~

~~(b) This subsection (6) is repealed, effective July 1, 2020.~~

(20) (a) THE FOLLOWING STATUTORY AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL REPEAL ON SEPTEMBER 1, 2029:

(I) THE CONSUMER INSURANCE COUNCIL CREATED IN SECTION 10-1-133.

(b) THIS SUBSECTION (20) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031.

SECTION 3. Act subject to petition - effective date. This act takes 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 2, 2019, if adjournment sine die is on May 3, 2019); 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 will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 16, 2019