

CHAPTER 78

LABOR AND INDUSTRY

SENATE BILL 14-137

BY SENATOR(S) Jahn, Kefalas, Newell;
also REPRESENTATIVE(S) McNulty, Priola.

AN ACT

CONCERNING CERTIFICATION OF WORKERS' COMPENSATION INSURANCE FORMS.

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

SECTION 1. In Colorado Revised Statutes, **amend** 8-44-102 as follows:

8-44-102. Contract for insurance subject to workers' compensation act.

(1) Every contract for the insurance of compensation and benefits as provided in articles 40 to 47 of this title or against liability therefor ~~shall be made~~ IS subject to all the provisions of said articles 40 TO 47, and all provisions in such THE contract for insurance inconsistent with the provisions of said THOSE articles shall be ARE void. Any contract of insurance issued under said articles 40 TO 47 by any insurance carrier, including stock and mutual corporations and Pinnacol Assurance, may include and cover any liability of the employer on account of personal injuries sustained by or death resulting therefrom to any employee. as such. No insurance carrier shall write any policy of insurance covering the liability under said articles of any employer doing business within the state of Colorado except on a form that has been previously filed with and approved by the commissioner of insurance, nor shall there be attached to said policy or contract of insurance any endorsement, rider, letter, or other document affecting such contract unless the same has been filed with and the form thereof approved by the commissioner of insurance. The commissioner of insurance shall from time to time approve and prescribe a standard or universal form, as nearly as possible, for every contract or policy of insurance, endorsement, rider, letter, or other document affecting such contract for use in insuring the compensation provided for in said articles.

(2) (a) EVERY CARRIER PROVIDING WORKERS' COMPENSATION INSURANCE THAT IS AUTHORIZED TO CONDUCT BUSINESS IN COLORADO SHALL SUBMIT AN ANNUAL

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

REPORT TO THE COMMISSIONER OF INSURANCE LISTING ANY POLICY FORMS, ENDORSEMENTS, RIDERS, LETTERS, NOTICES, OR OTHER DOCUMENTS AFFECTING AN INSURANCE POLICY OR CONTRACT ISSUED OR DELIVERED TO ANY POLICYHOLDER IN COLORADO AS MAY BE REQUESTED BY THE COMMISSIONER. THE LISTING MUST BE SUBMITTED NO LATER THAN JULY 1 OF EACH YEAR AND MUST CONTAIN A CERTIFICATION BY AN OFFICER OF THE CARRIER THAT, TO THE BEST OF THE OFFICER'S KNOWLEDGE, EACH POLICY FORM, ENDORSEMENT, RIDER, LETTER, NOTICE, OR OTHER DOCUMENT AFFECTING AN INSURANCE POLICY OR CONTRACT IN USE COMPLIES WITH COLORADO LAW. THE COMMISSIONER SHALL DETERMINE THE NECESSARY ELEMENTS OF THE CERTIFICATION.

(b) (I) EVERY CARRIER PROVIDING WORKERS' COMPENSATION INSURANCE THAT IS AUTHORIZED TO CONDUCT BUSINESS IN COLORADO SHALL ALSO SUBMIT TO THE COMMISSIONER A LIST OF ANY NEW POLICY FORMS, ENDORSEMENTS, RIDERS, LETTERS, NOTICES, OR OTHER DOCUMENTS AS MAY BE REQUESTED BY THE COMMISSIONER AT LEAST THIRTY-ONE DAYS BEFORE USING THE POLICY FORMS, ENDORSEMENTS, RIDERS, LETTERS, NOTICES, OR OTHER DOCUMENTS.

(II) THE LISTING MUST ALSO CONTAIN A CERTIFICATION BY AN OFFICER OF THE CARRIER THAT, TO THE BEST OF THE OFFICER'S KNOWLEDGE, EACH NEW POLICY FORM, ENDORSEMENT, RIDER, LETTER, NOTICE, OR OTHER DOCUMENT PROPOSED TO BE USED COMPLIES WITH COLORADO LAW. THE COMMISSIONER SHALL DETERMINE THE NECESSARY ELEMENTS OF THE CERTIFICATION.

(c) THE COMMISSIONER MAY EXAMINE AND INVESTIGATE WORKERS' COMPENSATION CARRIERS AUTHORIZED TO CONDUCT BUSINESS IN COLORADO TO DETERMINE WHETHER WORKERS' COMPENSATION POLICY FORMS, ENDORSEMENTS, RIDERS, LETTERS, NOTICES, OR OTHER FORMS AS MAY BE REQUESTED BY THE COMMISSIONER COMPLY WITH THE CERTIFICATION OF THE CARRIER AND STATUTORY MANDATES.

SECTION 2. In Colorado Revised Statutes, 10-3-1104, **add** (1) (rr) as follows:

10-3-1104. Unfair methods of competition - unfair or deceptive acts or practices - repeal. (1) The following are defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

(rr) CERTIFYING PURSUANT TO SECTION 8-44-102, C.R.S., OR ISSUING, SOLICITING, OR USING A WORKERS' COMPENSATION FORM, ENDORSEMENT, RIDER, LETTER, OR NOTICE THAT DOES NOT COMPLY WITH STATUTORY MANDATES. THE SOLICITATION OR CERTIFICATION IS SUBJECT TO THE SANCTIONS DESCRIBED IN SECTIONS 10-3-1107, 10-3-1108, AND 10-3-1109.

SECTION 3. In Colorado Revised Statutes, **add** 10-4-419.5 as follows:

10-4-419.5. Workers' compensation form certification. AN INSURANCE CARRIER WRITING WORKERS' COMPENSATION INSURANCE IN THIS STATE SHALL COMPLY WITH SECTION 8-44-102, C.R.S.

SECTION 4. 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 6, 2014, if adjournment sine die is on May 7, 2014); 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 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 27, 2014