

CHAPTER 64

INSURANCE

HOUSE BILL 23-1004

BY REPRESENTATIVE(S) Velasco, Amabile, Bacon, Boesenecker, deGruy Kennedy, Dickson, Duran, English, Epps, Frizell, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Marshall, Martinez, McCormick, McLachlan, Ortiz, Parenti, Ricks, Sharbini, Sirota, Story, Titone, Valdez, Vigil, Weissman, Willford, Woodrow, Young, McCluskie, Brown, Michaelson Jenet;
also SENATOR(S) Gonzales, Buckner, Cutter, Danielson, Exum, Fields, Hansen, Hinrichsen, Jaquez Lewis, Marchman, Moreno, Priola, Rodriguez, Sullivan, Winter F., Zenzinger, Fenberg.

AN ACT**CONCERNING REQUIREMENTS REGARDING THE LANGUAGE USED IN CERTAIN INSURANCE DOCUMENTS.**

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

SECTION 1. In Colorado Revised Statutes, 10-1-136, **amend** (3); and **add** (4) as follows:

10-1-136. Insurance policies - language other than English - definition.
(3) (a) A non-English-language policy delivered or issued for delivery in this state is deemed to ~~be in compliance~~ **COMPLY** with articles 4 and 16 of this ~~title~~ **TITLE 10** if the insurer certifies that the policy is translated:

(I) From an English-language policy that ~~is in compliance~~ **COMPLIES** with this ~~title~~ **TITLE 10**;

(II) **CORRECTLY**; AND

(III) **BY A CERTIFIED TRANSLATOR WHO HAS CERTIFIED THAT THE POLICY IS CORRECTLY TRANSLATED OR, IF A CERTIFIED TRANSLATOR IS NOT AVAILABLE TO TRANSLATE THE POLICY FROM ENGLISH INTO A LANGUAGE FOR WHICH THE AMERICAN TRANSLATORS ASSOCIATION CERTIFIES TRANSLATORS, BY A QUALIFIED TRANSLATOR WHO HAS CERTIFIED THAT THE POLICY IS CORRECTLY TRANSLATED.**

(b) An insurer shall maintain copies of all translated policies, endorsements,

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.

riders, and any explanatory or advertising materials and make them available for review by the commissioner upon request.

(4) AS USED IN THIS SECTION:

(a) "AMERICAN TRANSLATORS ASSOCIATION" MEANS THE NATIONAL, NONPROFIT PROFESSIONAL ASSOCIATION, OR ITS SUCCESSOR ORGANIZATION, THAT OFFERS CERTIFICATION FOR TRANSLATORS.

(b) "CERTIFIED TRANSLATOR" MEANS AN INDIVIDUAL WHO IS CERTIFIED AS A TRANSLATOR BY THE AMERICAN TRANSLATORS ASSOCIATION.

SECTION 2. In Colorado Revised Statutes, **add** 10-3-1119 as follows:

10-3-1119. Policy documents - language consistent with advertisement for product - definitions. (1) AN INSURER SHALL OFFER, MAKE AVAILABLE, AND ISSUE, AS APPLICABLE, THE FOLLOWING WRITTEN OR ELECTRONIC DOCUMENTS TO AN APPLICANT FOR OR INSURED UNDER AN INSURANCE POLICY IN THE SAME LANGUAGE THAT THE INSURER USED IN ANY ADVERTISEMENT IN THIS STATE FOR THE INSURANCE POLICY:

(a) THE APPLICATION OR INTERFACE THE APPLICANT USES TO APPLY FOR, PURCHASE, OR RECEIVE A QUOTE FOR AN INSURANCE POLICY;

(b) ANY WRITTEN COVERAGE FORMS, INCLUDING REJECTIONS OR EXCLUSIONS; AND

(c) THE INSURANCE POLICY, POLICY DECLARATIONS PAGE, EXPLANATIONS OF BENEFITS, AND OTHER POLICY- OR COVERAGE-RELATED DOCUMENTS.

(2) (a) IF AN INSURER THAT ISSUES INSURANCE POLICIES IN THIS STATE ADVERTISES, OFFERS, MAKES AVAILABLE, OR ISSUES INSURANCE POLICIES IN A LANGUAGE OTHER THAN ENGLISH, THE INSURER SHALL:

(I) OFFER AN APPLICANT FOR A NEW OR RENEWAL INSURANCE POLICY A FORM TO SELECT THE LANGUAGE OF CHOICE FOR THE DOCUMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION; AND

(II) PROVIDE THE OFFER AND THE FORM IN EVERY LANGUAGE IN WHICH THE INSURER ADVERTISES, OFFERS, MAKES AVAILABLE, OR ISSUES ITS INSURANCE POLICIES.

(b) FOR NEW INSURANCE POLICIES, THE INSURER SHALL OFFER THE FORM TO THE APPLICANT AT THE TIME OF APPLICATION FOR THE POLICY. FOR RENEWAL INSURANCE POLICIES, THE INSURER SHALL OFFER THE FORM ONCE, AT THE FIRST RENEWAL OF THE POLICY THAT ARISES ON OR AFTER JANUARY 1, 2024; EXCEPT THAT, IF THE INSURER PREVIOUSLY OFFERED THE FORM TO THE INSURED AT THE TIME OF APPLICATION FOR A NEW INSURANCE POLICY, THE INSURER IS NOT REQUIRED TO OFFER THE FORM AT THE TIME OF RENEWAL OF THAT POLICY.

(c) IF THE APPLICANT FOR A NEW OR RENEWAL POLICY RETURNS THE FORM TO THE

INSURER INDICATING A LANGUAGE SELECTION, THE INSURER SHALL PROVIDE THE DOCUMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION IN THE LANGUAGE THE APPLICANT SELECTS. IF THE APPLICANT DOES NOT RETURN THE FORM TO THE INSURER WITHIN SIXTY DAYS AFTER RECEIVING THE FORM, THE INSURER MAY PROVIDE THE DOCUMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION IN ENGLISH.

(3) CONSISTENT WITH SECTION 10-1-136 (2), IN THE EVENT OF A DISPUTE OR COMPLAINT REGARDING AN INSURANCE POLICY, ANY RELATED DOCUMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, OR THE ADVERTISEMENT FOR AN INSURANCE POLICY, THE ENGLISH-LANGUAGE VERSION OF THE INSURANCE POLICY OR RELATED DOCUMENTS CONTROLS THE RESOLUTION OF THE DISPUTE OR COMPLAINT.

(4) (a) IF AN INSURER FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION, ANY WRITTEN COVERAGE REJECTIONS OR EXCLUSIONS RESULTING FROM THE INSURER'S FAILURE TO COMPLY WITH THIS SECTION ARE VOIDABLE AT THE INSURED'S ELECTION. IF THE INSURED ELECTS TO VOID THE COVERAGE REJECTION OR EXCLUSION:

(I) THE INSURED MAY RECOVER REASONABLE ATTORNEY FEES AND COURT COSTS INCURRED IN REINSTATING OR REWRITING THE COVERAGE; AND

(II) THE INSURER SHALL NOT REQUIRE THE INSURED TO PAY ANY PREMIUM DURING THE POLICY PERIOD APPLICABLE FOR THE REINSTATED OR REWRITTEN COVERAGE.

(b) IF THE INSURED DOES NOT REJECT COVERAGE IN FUTURE POLICY PERIODS, THE INSURER MAY CHARGE A PREMIUM FOR THE COVERAGE IN FUTURE POLICY PERIODS.

(c) A PERSON NEED NOT SHOW KNOWLEDGE OF ANY SPECIFIC ADVERTISEMENT IN ORDER TO OBTAIN THE REMEDIES AVAILABLE UNDER THIS SECTION.

(5) AS USED IN THIS SECTION:

(a) "ADVERTISEMENT" MEANS ANY MATERIAL DESIGNED TO CREATE PUBLIC INTEREST IN A PRODUCT OR TO INDUCE THE PUBLIC TO PURCHASE, INCREASE, MODIFY, REINSTATE, REPLACE, OR RETAIN AN INSURANCE POLICY.

(b) "INSURANCE POLICY" MEANS A COMMERCIAL AUTOMOBILE, PERSONAL AUTOMOBILE, HOMEOWNERS', OR RENTERS' POLICY OF INSURANCE.

SECTION 3. Act subject to petition - effective date. This act takes effect January 1, 2024; 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 the ninety-day period after final adjournment of the general assembly, 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 11, 2023