

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1250.01 Duane Gall x4335

SENATE BILL 16-198

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SENATE SPONSORSHIP

Holbert,

HOUSE SPONSORSHIP

Kraft-Tharp,

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Senate Committees

Business, Labor, & Technology

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE STANDARDS APPLICABLE TO DOCUMENTS USED BY  
102 WORKERS' COMPENSATION INSURANCE CARRIERS IN  
103 COLORADO, AND, IN CONNECTION THEREWITH, REQUIRING  
104 ADVISORY ORGANIZATIONS AND RATING ORGANIZATIONS TO  
105 FILE SAMPLE FORMS OF POLICIES, RIDERS, LETTERS, NOTICES,  
106 AND OTHER DOCUMENTS TO THE COMMISSIONER OF INSURANCE.

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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://www.leg.state.co.us/billsummaries>.)*

Under current law, a workers' compensation insurer must annually

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

submit sample forms of policies, riders, letters, notices, and other documents used in its business to the commissioner of insurance along with a certification by an officer of the insurer that the documents comply with Colorado law. The bill extends these requirements to advisory organizations and rating organizations within the industry. It also relieves a carrier of the obligation to file such documents and certifications if it uses, without modification, the documents supplied by an advisory organization or rating organization.

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

2           **SECTION 1.** In Colorado Revised Statutes, 8-44-102, **amend** (2)  
3 as follows:

4           **8-44-102. Contract for insurance subject to workers'**  
5 **compensation act.** (2) (a) (I) EXCEPT AS SPECIFIED IN SUBPARAGRAPH  
6 (III) OF THIS PARAGRAPH (a), every carrier providing workers'  
7 compensation insurance that is authorized to conduct business in  
8 Colorado shall submit an annual report to the commissioner of insurance  
9 listing any policy forms, endorsements, riders, letters, notices, or other  
10 documents affecting an insurance policy or contract issued or delivered  
11 to any policyholder in Colorado as may be requested by the  
12 commissioner. The listing must be submitted no later than July 1 of each  
13 year and must contain a certification by an officer of the carrier that, to  
14 the best of the officer's knowledge, each policy form, endorsement, rider,  
15 letter, notice, or other document affecting an insurance policy or contract  
16 in use complies with Colorado law. The commissioner shall determine the  
17 necessary elements of the certification.

18           (II) AN ADVISORY ORGANIZATION AS DEFINED IN SECTION  
19 10-4-402 (1), C.R.S., OR A RATING ORGANIZATION AS DEFINED IN SECTION  
20 10-4-402 (3), C.R.S., SHALL SUBMIT AN ANNUAL REPORT TO THE  
21 COMMISSIONER OF INSURANCE LISTING ANY POLICY FORMS,

1 ENDORSEMENTS, RIDERS, LETTERS, NOTICES, OR OTHER DOCUMENTS  
2 AFFECTING AN INSURANCE POLICY OR CONTRACT ISSUED OR DELIVERED TO  
3 ANY POLICYHOLDER IN COLORADO AS MAY BE REQUESTED BY THE  
4 COMMISSIONER. THE LISTING MUST BE SUBMITTED NO LATER THAN JULY  
5 1 OF EACH YEAR AND MUST CONTAIN A CERTIFICATION BY AN OFFICER OF  
6 THE ORGANIZATION THAT, TO THE BEST OF THE OFFICER'S KNOWLEDGE,  
7 EACH POLICY FORM, ENDORSEMENT, RIDER, LETTER, NOTICE, OR OTHER  
8 DOCUMENT AFFECTING AN INSURANCE POLICY OR CONTRACT LISTED  
9 COMPLIES WITH COLORADO LAW. THE COMMISSIONER SHALL DETERMINE  
10 THE NECESSARY ELEMENTS OF THE CERTIFICATION.

11 (III) IF A CARRIER USES, IN THEIR ENTIRETY AND WITHOUT  
12 MODIFICATION, FORMS PREPARED BY AN ADVISORY ORGANIZATION AS  
13 DEFINED IN SECTION 10-4-402 (1), C.R.S., OR A RATING ORGANIZATION AS  
14 DEFINED IN SECTION 10-4-402 (3), C.R.S., THE CARRIER SHALL NOTIFY THE  
15 COMMISSIONER OF INSURANCE THAT IT ADOPTS THE ANNUAL REPORT FILED  
16 BY THE ADVISORY ORGANIZATION OR RATING ORGANIZATION UNDER  
17 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) AND, IF IT SO NOTIFIES THE  
18 COMMISSIONER, IT NEED NOT SUBMIT THE CERTIFICATION REQUIRED BY  
19 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a). IF A CARRIER USES FORMS  
20 THAT DEVIATE FROM THE FORMS LISTED BY THE ADVISORY ORGANIZATION  
21 OR RATING ORGANIZATION, OR IF IT USES FORMS OTHER THAN THOSE  
22 LISTED BY THE ADVISORY ORGANIZATION OR RATING ORGANIZATION, THE  
23 CARRIER SHALL SUBMIT THE ANNUAL LISTING OF FORMS AND  
24 CERTIFICATION AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH  
25 (a).

26 (b) IN ADDITION TO SUBMITTING THE DOCUMENTATION REQUIRED  
27 UNDER PARAGRAPH (a) OF THIS SUBSECTION (2) AND EXCEPT AS SPECIFIED

1 IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (b):

2 (I) Every carrier providing workers' compensation insurance that  
3 is authorized to conduct business in Colorado, EVERY ADVISORY  
4 ORGANIZATION AS DEFINED IN SECTION 10-4-402 (1), C.R.S., AND EVERY  
5 RATING ORGANIZATION AS DEFINED IN SECTION 10-4-402 (3), C.R.S., shall  
6 ~~also~~ submit to the commissioner a list of any new policy forms,  
7 endorsements, riders, letters, notices, or other documents as may be  
8 requested by the commissioner at least thirty-one days before using the  
9 policy forms, endorsements, riders, letters, notices, or other documents.

10 (II) The listing must also contain a certification by an officer of  
11 the carrier OR AN OFFICER OF THE ADVISORY OR RATING ORGANIZATION  
12 that, to the best of the officer's knowledge, each new policy form,  
13 endorsement, rider, letter, notice, or other document proposed to be used  
14 complies with Colorado law. The commissioner shall determine the  
15 necessary elements of the certification.

16 (III) IF AN ADVISORY ORGANIZATION OR RATING ORGANIZATION  
17 CERTIFIES A FORM AS REQUIRED BY SUBPARAGRAPH (II) OF THIS  
18 PARAGRAPH (b) AND A CARRIER IS A MEMBER OF THAT ORGANIZATION AND  
19 USES THE FORM IN ITS ENTIRETY, THE CARRIER NEED NOT LIST THAT FORM  
20 AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) OR SUBMIT  
21 A CERTIFICATION FOR THAT FORM AS REQUIRED BY SUBPARAGRAPH (II) OF  
22 THIS PARAGRAPH (b).

23 (c) The commissioner may examine and investigate workers'  
24 compensation carriers authorized to conduct business in Colorado to  
25 determine whether workers' compensation policy forms, endorsements,  
26 riders, letters, notices, or other forms as may be requested by the  
27 commissioner comply with the certification of the carrier and statutory

1 mandates. THIS PARAGRAPH (c) DOES NOT APPLY WHEN A CARRIER USES  
2 A WORKERS' COMPENSATION POLICY FORM, ENDORSEMENT, RIDER, LETTER,  
3 NOTICE, OR OTHER FORM THAT HAS BEEN CERTIFIED BY AN ADVISORY  
4 ORGANIZATION AS DEFINED IN SECTION 10-4-402 (1), C.R.S., OR A RATING  
5 ORGANIZATION AS DEFINED IN SECTION 10-4-402 (3), C.R.S.

6 **SECTION 2. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, and safety.