

## CHAPTER 29

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**INSURANCE**

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**HOUSE BILL 97-1131**

BY REPRESENTATIVES Nichol, Schwarz, Allen, Kaufman, Musgrave, Pankey, Mace, Paschall, Sullivant, Tupa, and Zimmerman;  
also SENATORS Powers, Chlouber, Congrove, Hernandez, Martinez, Tebedo, and Wattenberg.

**AN ACT**

CONCERNING A PROHIBITION ON THE DENIAL OF HEALTH CARE COVERAGE BASED SOLELY ON PARTICIPATION IN CERTAIN LEGAL MOTOR DRIVEN RECREATIONAL ACTIVITIES, AND, IN CONNECTION THEREWITH, PROHIBITING THE DENIAL OF HEALTH CARE COVERAGE BASED SOLELY ON PARTICIPATION IN MOTORCYCLING, SNOWMOBILING, AND OFF-HIGHWAY VEHICLE RIDING.

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

**SECTION 1.** 10-3-1104 (1) (f), Colorado Revised Statutes, 1994 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

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

(f) (XII) DENYING HEALTH CARE COVERAGE SUBJECT TO ARTICLE 16 OF THIS TITLE TO ANY INDIVIDUAL BASED SOLELY ON THAT INDIVIDUAL'S CASUAL OR NONPROFESSIONAL PARTICIPATION IN THE FOLLOWING ACTIVITIES: MOTORCYCLING; SNOWMOBILING; OR OFF-HIGHWAY VEHICLE RIDING.

**SECTION 2.** 10-3-1104 (1) (h), Colorado Revised Statutes, 1994 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

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

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

(h) Unfair claim settlement practices: Committing or performing, either in willful violation of this part 11 or with such frequency as to indicate a tendency to engage in a general business practice, any of the following:

(XVI) EXCLUDING MEDICAL BENEFITS UNDER HEALTH CARE COVERAGE SUBJECT TO ARTICLE 16 OF THIS TITLE TO ANY COVERED INDIVIDUAL BASED SOLELY ON THAT INDIVIDUAL'S CASUAL OR NONPROFESSIONAL PARTICIPATION IN THE FOLLOWING ACTIVITIES: MOTORCYCLING; SNOWMOBILING; OR OFF-HIGHWAY VEHICLE RIDING.

**SECTION 3. Effective date.** This act shall take effect October 1, 1997, and shall apply to all policies for coverage written or renewed pursuant to article 16 of title 10, Colorado Revised Statutes, on or after said date.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 24, 1997