

CHAPTER 105

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 03-1045

BY REPRESENTATIVE(S) Clapp, Madden, Romanoff, Stafford, Cadman, Frangas, Jahn, Merrifield, Rhodes, Schultheis, and Williams T.;
also SENATOR(S) Hagedorn, Groff, McElhany, Tapia, and Teck.

AN ACT**CONCERNING PENALTIES RELATING TO UNAUTHORIZED INSURANCE POLICIES.**

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

SECTION 1. 10-3-104, Colorado Revised Statutes, is amended to read:

10-3-104. Unauthorized companies - penalties. Except for reinsurance by an authorized insurer or insurance effected pursuant to the provisions of PART 7 OF ARTICLE 4 OR article 5 OR ARTICLE 15 of this title, it is unlawful for any person, company, or corporation in this state to procure, receive, or forward applications for insurance in, or to issue or to deliver policies for, any company not legally authorized to do business in this state, as provided in this title, ~~(except part 7 of article 4 and article 15);~~ article 7 of title 12, and article 14 of title 24, C.R.S. Any person violating the provisions of this section is guilty of a ~~misdemeanor~~ CLASS 1 MISDEMEANOR and, upon conviction thereof, shall be punished ~~by a fine of one hundred dollars, or by imprisonment for two months in the county jail, or by both such fine and imprisonment for each such offense~~ AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

SECTION 2. 10-3-111, Colorado Revised Statutes, is amended to read:

10-3-111. Violations - penalty. EXCEPT FOR VIOLATIONS OF SECTION 10-3-104 OR OF PART 7 OF ARTICLE 4 OR ARTICLE 15 OF THIS TITLE, any officer, director, stockholder, attorney, or agent of any corporation or association which violates any of the provisions of this title, ~~(except part 7 of article 4 and article 15);~~ article 7 of title 12, and article 14 of title 24, C.R.S., who participates in or aids, abets, or advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of said references, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not

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

more than one year and by a fine of not more than one thousand dollars, and any officer aiding or abetting in any contribution made in violation of said references is liable to the company or association for the amount so contributed. No person shall be excused from attending and testifying or producing any books, papers, or other documents, before any court, upon any investigation, proceeding, or trial, for a violation of any of the provisions of said references upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of ~~him~~ SUCH PERSON may tend to incriminate or degrade him OR HER; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he OR SHE may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him OR HER upon any criminal investigation or proceeding.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2003, and shall apply to offenses committed 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: April 7, 2003