

CHAPTER 264

INSURANCE

SENATE BILL 03-312

BY SENATOR(S) McElhany;
also REPRESENTATIVE(S) Fairbank, Hefley, Hoppe, McFadyen, and Stafford.

AN ACT

CONCERNING CLARIFICATION THAT OFFERING A FEE-FOR-SERVICE DENTAL PLAN FOR WHICH PREMIUMS ARE NOT CHARGED SHALL NOT BE CONSIDERED TRANSACTING THE BUSINESS OF INSURANCE.

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

SECTION 1. Part 1 of article 16 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10-16-126. Fee-for-service dental plans. (1) NOTWITHSTANDING ANY PROVISION OF THIS TITLE TO THE CONTRARY, A FEE-FOR-SERVICE DENTAL PLAN FOR WHICH PREMIUMS ARE NOT CHARGED IS NOT SUBJECT TO THE PROVISIONS OF THIS TITLE AND THE OFFERING OF SUCH A PLAN SHALL NOT BE CONSIDERED TRANSACTING THE BUSINESS OF INSURANCE PURSUANT TO SECTION 10-3-903. THE OFFEROR OF A FEE-FOR-SERVICE DENTAL PLAN SHALL HAVE NO LIABILITY FOR PAYMENT OF CLAIMS AND THE FEES PAID TO THE PROVIDER OF THE SERVICES SHALL BE PAID DIRECTLY BY THE CONSUMER.

(2) ANY OFFEROR OF SUCH FEE-FOR-SERVICE DENTAL PLAN SHALL ADVISE THE CONSUMER THAT THE PLAN IS NOT AN INSURANCE PLAN AND THAT THE CONSUMER SHALL BE SOLELY RESPONSIBLE FOR FULL PAYMENT TO THE PROVIDER OF ANY FEES OR CHARGES INCURRED BY THE CONSUMER.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition

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

is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 14, 2003