

CHAPTER 167

INSURANCE

HOUSE BILL 08-1334

BY REPRESENTATIVE(S) Witwer, Borodkin, Buescher, Curry, Gagliardi, Gallegos, Gardner B., Garza-Hicks, Hodge, Jahn, Kerr A., Kerr J., Labuda, Lambert, Looper, Lundberg, Massey, Merrifield, Middleton, Mitchell V., Peniston, Pommer, Primavera, Roberts, Romanoff, Scanlan, Solano, Soper, Stafford, Stephens, Summers, Swalm, Todd, Vaad, White, Carroll T., Gardner C., Green, and Rose;
 also SENATOR(S) Kopp, Boyd, Brophy, Cadman, Harvey, Isgar, Kester, Mitchell S., Schultheis, Schwartz, Shaffer, Taylor, Tochtrop, Ward, and Wiens.

AN ACT**CONCERNING HEALTH INSURANCE FOR BONA FIDE VOLUNTEER EMERGENCY SERVICE PROVIDERS.**

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

SECTION 1. 10-16-102, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

10-16-102. Definitions. As used in this article, unless the context otherwise requires:

(5.6) "BONA FIDE VOLUNTEER":

(a) HAS THE MEANING SET FORTH IN SECTION 31-30-1202, C.R.S.;

(b) MEANS ANY VOLUNTEER MEMBER OF A NOT-FOR-PROFIT NONGOVERNMENTAL ENTITY THAT IS ORGANIZED TO PROVIDE FIREFIGHTING SERVICES, EMERGENCY MEDICAL SERVICES, OR AMBULANCE SERVICES; AND

(c) MEANS ANY VOLUNTEER MEMBER OF A RESCUE UNIT AS DEFINED IN SECTION 25-3.5-103, C.R.S.

(15.5) "EMERGENCY SERVICE PROVIDER" MEANS A LOCAL GOVERNMENT, OR AN AUTHORITY FORMED BY TWO OR MORE LOCAL GOVERNMENTS, THAT PROVIDES FIREFIGHTING AND FIRE PREVENTION SERVICES, EMERGENCY MEDICAL SERVICES, AMBULANCE SERVICES, OR SEARCH AND RESCUE SERVICES, OR A NOT-FOR-PROFIT

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

NONGOVERNMENTAL ENTITY ORGANIZED FOR THE PURPOSE OF PROVIDING ANY SUCH SERVICES, THROUGH THE USE OF BONA FIDE VOLUNTEERS.

(26.4) "LOCAL GOVERNMENT" MEANS ANY CITY, COUNTY, CITY AND COUNTY, SPECIAL DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THIS STATE.

SECTION 2. 10-16-214 (1) (a), Colorado Revised Statutes, is amended to read:

10-16-214. Group sickness and accident insurance. (1) Group sickness and accident insurance is declared to be that form of sickness and accident insurance covering groups of persons, with or without their dependents, and issued upon the following bases:

(a) Under a policy issued to an employer, who shall be deemed the policyholder, insuring at least ten employees of such employer for the benefit of persons other than the employer. The term "employees", as used in part 1 of this article and this part 2, includes the officers, managers, and employees of the employer, THE BONA FIDE VOLUNTEERS IF THE EMPLOYER IS AN EMERGENCY SERVICE PROVIDER, the partners if the employer is a partnership, the officers, managers, and employees of subsidiary or affiliated corporations of a corporation employer, and the individual proprietors, partners, and employees of individuals and firms, the business of which is controlled by the insured employer through stock ownership, contract, or otherwise. The term "employer", as used in part 1 of this article and this part 2, may include AN EMERGENCY SERVICE PROVIDER, any municipal or governmental corporation, unit, agency, or department thereof, and the proper officers, as such, of ~~any~~ AN EMERGENCY SERVICE PROVIDER OR AN unincorporated municipality or department thereof, as well as private individuals, partnerships, and corporations.

SECTION 3. Article 30 of title 31, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 13
VOLUNTEER HEALTH INSURANCE ACT

31-30-1301. Short title. THIS PART 13 SHALL BE KNOWN AND MAY BE CITED AS THE "VOLUNTEER HEALTH INSURANCE ACT".

31-30-1302. Definitions. AS USED IN THIS PART 13, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BONA FIDE VOLUNTEER":

(a) HAS THE MEANING SET FORTH IN SECTION 31-30-1202, C.R.S.; AND

(b) MEANS ANY VOLUNTEER MEMBER OF A RESCUE UNIT AS DEFINED IN SECTION 25-3.5-103, C.R.S.

(2) "CARRIER" MEANS AN ENTITY THAT PROVIDES HEALTH COVERAGE IN THIS STATE, INCLUDING A FRANCHISE INSURANCE PLAN, A FRATERNAL BENEFIT SOCIETY, A HEALTH MAINTENANCE ORGANIZATION, A NONPROFIT HOSPITAL AND HEALTH SERVICE CORPORATION, A SICKNESS AND ACCIDENT INSURANCE COMPANY, AND ANY

OTHER ENTITY PROVIDING A HEALTH INSURANCE OR HEALTH BENEFITS PLAN OR POLICY SUBJECT TO THE INSURANCE LAWS AND REGULATIONS OF COLORADO.

(3) "EMERGENCY SERVICE PROVIDER" HAS THE MEANING SET FORTH IN SECTION 29-11-101, C.R.S.

(4) "GROUP HEALTH INSURANCE PLAN" MEANS A GROUP SICKNESS AND ACCIDENT INSURANCE PLAN AS DESCRIBED IN SECTION 10-16-214, C.R.S.

(5) "QUALIFIED SERVICES" MEANS FIREFIGHTING AND FIRE PREVENTION SERVICES, EMERGENCY MEDICAL SERVICES, AMBULANCE SERVICES, AND SEARCH AND RESCUE SERVICES.

31-30-1303. Group health insurance plan. (1) THE GOVERNING BODY OF AN EMERGENCY SERVICE PROVIDER MAY ENTER INTO INSURANCE CONTRACTS WITH CARRIERS TO PROVIDE GROUP HEALTH INSURANCE PLANS FOR ITS BONA FIDE VOLUNTEERS. THE COST OF THE PLANS, SOURCES OF FUNDING, AMOUNT OF CONTRIBUTIONS REQUIRED FROM BONA FIDE VOLUNTEERS, COVERAGE PARAMETERS, AND ELIGIBILITY REQUIREMENTS SHALL BE NEGOTIATED BY THE GOVERNING BODY AND THE CARRIER. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PRECLUDE A GOVERNING BODY FROM PARTICIPATING IN AN INSURANCE POOL OR FROM ALLOWING ITS BONA FIDE VOLUNTEERS TO PARTICIPATE IN THE GROUP HEALTH INSURANCE PLAN OFFERED TO THE PAID EMPLOYEES OF THE GOVERNING BODY.

(2) THE ADMINISTRATION AND MANAGEMENT OF A GROUP HEALTH INSURANCE PLAN SHALL BE THE EXCLUSIVE RESPONSIBILITY OF THE CARRIERS OF THE PLAN.

(3) THIS SECTION SHALL APPLY ONLY TO BONA FIDE VOLUNTEERS DEEMED TO BE ACTIVE AND IN GOOD STANDING BY THE EMERGENCY SERVICE PROVIDER.

SECTION 4. 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, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition 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: April 21, 2008