

CHAPTER 267

INSURANCE

SENATE BILL 14-210

BY SENATOR(S) Cadman and Aguilar, Tochtrop;
also REPRESENTATIVE(S) Sonnenberg and Kraft-Tharp, Becker, May, Schafer, Young.

AN ACT

CONCERNING THE CONDUCT OF EXAMINATIONS OF INSURERS BY THE COMMISSIONER OF INSURANCE, AND, IN CONNECTION THEREWITH, REQUIRING A PREEXAMINATION CONFERENCE AND A CONFERENCE TO BE HELD BEFORE ISSUANCE OF A DRAFT EXAMINATION REPORT.

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

SECTION 1. In Colorado Revised Statutes, 10-1-204, **add** (11) as follows:

10-1-204. Conduct of examinations - conferences. (11) FOR EVERY MARKET CONDUCT EXAMINATION CONDUCTED PURSUANT TO THIS PART 2, THE DIVISION SHALL HOLD:

(a) A PREEXAMINATION CONFERENCE BETWEEN THE DIVISION AND THE INSURER SUBJECT TO THE EXAMINATION. THE DIVISION SHALL DESIGN AND CONDUCT THE PREEXAMINATION CONFERENCE IN ACCORDANCE WITH THE PREEXAMINATION PROVISIONS OF THE NAIC MARKET CONDUCT EXAMINER'S HANDBOOK FOR THE PARTIES TO DISCUSS:

(I) EARLY RESOLUTION AND SIMPLIFICATION OF ISSUES AND ANY DISPUTES;

(II) AVOIDANCE OF THE PRODUCTION OF UNNECESSARY OR DUPLICATIVE INFORMATION; AND

(III) FACILITATION OF THE COMPLETE, ACCURATE, JUST, SPEEDY, AND INEXPENSIVE DISPOSITION OF THE EXAMINATION.

(b) A PRE-DRAFT CONFERENCE BETWEEN THE DIVISION, THE EXAMINER, AND THE INSURER SUBJECT TO THE EXAMINATION AT LEAST THIRTY DAYS BEFORE THE FILING OF A DRAFT REPORT. THE DIVISION SHALL DESIGN AND CONDUCT THE CONFERENCE

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

IN ACCORDANCE WITH THE EXAMINATION REPORT PROVISIONS OF THE NAIC MARKET CONDUCT EXAMINER'S HANDBOOK TO FACILITATE:

- (I) THE RESOLUTION OF OUTSTANDING ISSUES;
- (II) DISCUSSING AND RESOLVING CORRECTIVE ACTIONS; AND
- (III) REVIEWING THE REPORT BEFORE IT IS PRINTED IN DRAFT FORM.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to examinations conducted on or after the applicable effective date of this act.

Approved: May 29, 2014