

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0544.01 Christy Chase x2008

HOUSE BILL 23-1004

HOUSE SPONSORSHIP

Velasco,

SENATE SPONSORSHIP

Gonzales,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REQUIREMENTS REGARDING THE LANGUAGE USED IN
102 CERTAIN INSURANCE DOCUMENTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law allows insurance policies to be translated to and issued in a language other than English if the insurer certifies that the English-language policy that is translated complies with state insurance laws. **Section 1** of the bill requires the insurer to also certify that the policy has been correctly translated by a certified translator or, if a certified translator is not available to translate the policy to the particular

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

language, by a professional translator who certifies that the translation is correct.

Section 2 requires insurers that issue commercial or personal automobile, homeowners', or renters' insurance policies to offer, make available, and issue the policy application, the policy, and related documents and forms in the same language that the insurer used in advertisements for the policy and to offer an applicant a form to select the applicant's language of choice for those documents. **Section 2** also specifies remedies for an insurer's failure to comply with this requirement.

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

SECTION 1. In Colorado Revised Statutes, 10-1-136, **amend** (3); and **add** (4) as follows:

10-1-136. Insurance policies - language other than English - definition. (3) (a) A non-English-language policy delivered or issued for delivery in this state is deemed to ~~be in compliance~~ COMPLY with articles 4 and 16 of this ~~title~~ TITLE 10 if the insurer certifies that the policy is translated:

(I) From an English-language policy that ~~is in compliance~~ COMPLIES with this ~~title~~ TITLE 10;

(II) CORRECTLY; AND

(III) BY A CERTIFIED TRANSLATOR WHO HAS CERTIFIED THAT THE POLICY IS CORRECTLY TRANSLATED OR, IF A CERTIFIED TRANSLATOR IS NOT AVAILABLE TO TRANSLATE THE POLICY FROM ENGLISH INTO A LANGUAGE FOR WHICH THE AMERICAN TRANSLATORS ASSOCIATION CERTIFIES TRANSLATORS, BY A PROFESSIONAL TRANSLATOR WHO HAS CERTIFIED THAT THE POLICY IS CORRECTLY TRANSLATED.

(b) An insurer shall maintain copies of all translated policies, endorsements, riders, and any explanatory or advertising materials and make them available for review by the commissioner upon request.

1 (4) AS USED IN THIS SECTION:

2 (a) "AMERICAN TRANSLATORS ASSOCIATION" MEANS A NATIONAL,
3 NONPROFIT PROFESSIONAL ASSOCIATION, OR ITS SUCCESSOR
4 ORGANIZATION, THAT CERTIFIES TRANSLATORS AND INTERPRETERS AS
5 POSSESSING THE KNOWLEDGE AND SKILLS NECESSARY TO PROVIDE A
6 QUALITY TRANSLATION.

7 (b) "CERTIFIED TRANSLATOR" MEANS AN INDIVIDUAL WHO IS
8 CERTIFIED AS A TRANSLATOR BY THE AMERICAN TRANSLATORS
9 ASSOCIATION.

10 **SECTION 2.** In Colorado Revised Statutes, **add** 10-3-1119 as
11 follows:

12 **10-3-1119. Policy documents - language consistent with**
13 **advertisement for product - definitions.** (1) AN INSURER SHALL OFFER,
14 MAKE AVAILABLE, AND ISSUE, AS APPLICABLE, THE FOLLOWING
15 DOCUMENTS TO AN APPLICANT FOR OR INSURED UNDER AN INSURANCE
16 POLICY IN THE SAME LANGUAGE THAT THE INSURER USED IN ANY
17 ADVERTISEMENT IN THIS STATE FOR THE INSURANCE POLICY:

18 (a) THE APPLICATION FOR THE INSURANCE POLICY;

19 (b) ANY WRITTEN COVERAGE REJECTIONS, WAIVERS, EXCLUSIONS,
20 AND DISCLOSURES REQUIRED BY LAW; AND

21 (c) THE INSURANCE POLICY AND ANY FORMS, EXPLANATION OF
22 BENEFITS, AND OTHER POLICY- OR COVERAGE-RELATED DOCUMENTS.

23 (2) AN INSURER THAT ISSUES INSURANCE POLICIES IN THIS STATE
24 SHALL OFFER AN APPLICANT FOR A NEW OR RENEWAL INSURANCE POLICY
25 A FORM TO SELECT THE LANGUAGE OF CHOICE FOR THE DOCUMENTS
26 SPECIFIED IN SUBSECTION (1) OF THIS SECTION AND SHALL PROVIDE THOSE
27 DOCUMENTS IN THE LANGUAGE THE APPLICANT SELECTS ON THE FORM.

1 THE INSURER SHALL PROVIDE THE OFFER IN THE SAME LANGUAGE THAT
2 THE INSURER USED IN ANY ADVERTISEMENT IN THIS STATE FOR THE
3 INSURANCE POLICY.

4 (3) (a) IF AN INSURER FAILS TO COMPLY WITH THE REQUIREMENTS
5 OF THIS SECTION, THE INSURANCE POLICY THAT WAS ISSUED WILL BE
6 REWRITTEN TO INCLUDE ANY COVERAGE THAT WAS REJECTED, WAIVED, OR
7 EXCLUDED. THE INSURED MAY RECOVER REASONABLE ATTORNEY FEES
8 AND COURT COSTS IN RELATION TO A CIVIL SUIT FILED TO OBTAIN A
9 REWRITE OF THE INSURANCE POLICY, AND THE INSURER SHALL NOT
10 REQUIRE THE INSURED TO PAY ANY PREMIUM FOR COVERAGE RESULTING
11 FROM THE REWRITE THAT RETROACTIVELY APPLIES TO THE START OF THE
12 INSURANCE POLICY COVERAGE PERIOD.

13 (b) ANY WRITTEN COVERAGE REJECTIONS, WAIVERS, OR
14 EXCLUSIONS RESULTING FROM AN INSURER'S FAILURE TO COMPLY WITH
15 THIS SECTION ARE VOIDABLE AT THE INSURED'S ELECTION.

16 (c) A PERSON NEED NOT SHOW KNOWLEDGE OF ANY SPECIFIC
17 ADVERTISEMENT IN ORDER TO OBTAIN THE REMEDIES AVAILABLE UNDER
18 THIS SECTION.

19 (4) AS USED IN THIS SECTION:

20 (a) "ADVERTISEMENT" MEANS ANY MATERIAL DESIGNED TO
21 CREATE PUBLIC INTEREST IN A PRODUCT OR TO INDUCE THE PUBLIC TO
22 PURCHASE, INCREASE, MODIFY, REINSTATE, REPLACE, OR RETAIN AN
23 INSURANCE POLICY.

24 (b) "INSURANCE POLICY" MEANS A COMMERCIAL AUTOMOBILE,
25 PERSONAL AUTOMOBILE, HOMEOWNERS', OR RENTERS' POLICY OF
26 INSURANCE.

27 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect January 1, 2024; except that, if a referendum petition is filed
2 pursuant to section 1 (3) of article V of the state constitution against this
3 act or an item, section, or part of this act within the ninety-day period
4 after final adjournment of the general assembly, then the act, item,
5 section, or part will not take effect unless approved by the people at the
6 general election to be held in November 2024 and, in such case, will take
7 effect on the date of the official declaration of the vote thereon by the
8 governor.