

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**CORRECTED REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 16-1250.01 Duane Gall x4335

**SENATE BILL 16-198**

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**SENATE SPONSORSHIP**

**Holbert,**

**HOUSE SPONSORSHIP**

**Kraft-Tharp,**

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

Business Affairs and Labor

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**A BILL FOR AN ACT**

101      **CONCERNING THE STANDARDS APPLICABLE TO DOCUMENTS USED BY**  
102            **WORKERS' COMPENSATION INSURANCE CARRIERS IN**  
103            **COLORADO, AND, IN CONNECTION THEREWITH, REQUIRING**  
104            **ADVISORY ORGANIZATIONS AND RATING ORGANIZATIONS TO**  
105            **FILE SAMPLE FORMS OF POLICIES, RIDERS, LETTERS, NOTICES,**  
106            **AND OTHER DOCUMENTS TO THE COMMISSIONER OF INSURANCE.**

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**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://www.leg.state.co.us/billsummaries>.)*

Under current law, a workers' compensation insurer must annually

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

SENATE  
Amended 3rd Reading  
May 6, 2016

SENATE  
Amended 2nd Reading  
April 29, 2016

submit sample forms of policies, riders, letters, notices, and other documents used in its business to the commissioner of insurance along with a certification by an officer of the insurer that the documents comply with Colorado law. The bill extends these requirements to advisory organizations and rating organizations within the industry. It also relieves a carrier of the obligation to file such documents and certifications if it uses, without modification, the documents supplied by an advisory organization or rating organization.

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

2           **SECTION 1.** In Colorado Revised Statutes, 8-44-102, **amend** (2)  
3 as follows:

4           **8-44-102. Contract for insurance subject to workers'**  
5 **compensation act.** (2) (a) (I) EXCEPT AS SPECIFIED IN SUBPARAGRAPH  
6 (III) OF THIS PARAGRAPH (a), every carrier providing workers'  
7 compensation insurance that is authorized to conduct business in  
8 Colorado shall submit an annual report to the commissioner of insurance  
9 listing any policy forms endorsements, riders, letters, notices, or other  
10 documents affecting an insurance policy or contract issued or delivered  
11 to any policyholder in Colorado as may be requested by the  
12 commissioner. The listing must be submitted no later than July 1 of each  
13 year and must contain a certification by an officer of the carrier that, to  
14 the best of the officer's knowledge, each policy form endorsement, rider,  
15 letter, notice, or other document affecting an insurance policy or contract  
16 in use complies with Colorado law. The commissioner shall determine the  
17 necessary elements of the certification.

18           (II) (A) AN ADVISORY ORGANIZATION AS DEFINED IN SECTION  
19 10-4-402 (1), C.R.S., OR A RATING ORGANIZATION AS DEFINED IN SECTION  
20 10-4-402 (3), C.R.S., SHALL SUBMIT AN ANNUAL REPORT TO THE  
21 COMMISSIONER OF INSURANCE LISTING ANY POLICY FORMS AS MAY BE

1 REQUESTED BY THE COMMISSIONER. THE LISTING MUST BE SUBMITTED NO  
2 LATER THAN JULY 1 OF EACH YEAR AND MUST CONTAIN A CERTIFICATION  
3 BY AN OFFICER OF THE ORGANIZATION THAT, TO THE BEST OF THE  
4 OFFICER'S KNOWLEDGE, EACH POLICY FORM LISTED COMPLIES WITH  
5 COLORADO LAW. THE COMMISSIONER SHALL DETERMINE THE NECESSARY  
6 ELEMENTS OF THE CERTIFICATION.

7 (B) AS USED IN THIS SECTION, "FORM" MAY INCLUDE ANY  
8 ENDORSEMENT, RIDER, LETTER, NOTICE, OR OTHER DOCUMENT AFFECTING  
9 AN INSURANCE POLICY OR CONTRACT ISSUED OR DELIVERED TO ANY  
10 POLICYHOLDER IN COLORADO.

11 (III) IF A CARRIER USES, IN THEIR ENTIRETY AND WITHOUT  
12 MODIFICATION, FORMS PREPARED BY AN ADVISORY ORGANIZATION AS  
13 DEFINED IN SECTION 10-4-402 (1), C.R.S., OR A RATING ORGANIZATION AS  
14 DEFINED IN SECTION 10-4-402 (3), C.R.S., THE CARRIER SHALL NOTIFY THE  
15 COMMISSIONER OF INSURANCE THAT IT ADOPTS THE ANNUAL REPORT FILED  
16 BY THE ADVISORY ORGANIZATION OR RATING ORGANIZATION UNDER  
17 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) AND, IF IT SO NOTIFIES THE  
18 COMMISSIONER, IT NEED NOT SUBMIT THE CERTIFICATION REQUIRED BY  
19 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a). IF A CARRIER USES FORMS  
20 THAT DEVIATE FROM THE FORMS LISTED BY THE ADVISORY ORGANIZATION  
21 OR RATING ORGANIZATION, OR IF IT USES FORMS OTHER THAN THOSE  
22 LISTED BY THE ADVISORY ORGANIZATION OR RATING ORGANIZATION, THE  
23 CARRIER SHALL SUBMIT THE ANNUAL LISTING OF FORMS AND  
24 CERTIFICATION AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH  
25 (a).

26 (b) IN ADDITION TO SUBMITTING THE DOCUMENTATION REQUIRED  
27 UNDER PARAGRAPH (a) OF THIS SUBSECTION (2) AND EXCEPT AS SPECIFIED

1 IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (b):

2 (I) Every carrier providing workers' compensation insurance that  
3 is authorized to conduct business in Colorado, EVERY ADVISORY  
4 ORGANIZATION AS DEFINED IN SECTION 10-4-402 (1), C.R.S., AND EVERY  
5 RATING ORGANIZATION AS DEFINED IN SECTION 10-4-402 (3), C.R.S., shall  
6 also submit to the commissioner a list of any new OR REVISED policy  
7 forms endorsements, riders, letters, notices, or other documents as may be  
8 requested by the commissioner at least thirty-one days before using A  
9 CARRIER USES the policy forms, endorsements, riders, letters, notices, or  
10 other documents. UNLESS A CARRIER NOTIFIES THE DIVISION OF  
11 INSURANCE OTHERWISE, POLICY FORMS SUBMITTED ON BEHALF OF A  
12 MEMBER OF AN ADVISORY ORGANIZATION OR RATING ORGANIZATION ARE  
13 DEEMED TO BE AUTOMATICALLY ADOPTED BY THE CARRIER WITHOUT  
14 MODIFICATION.

15 (II) The listing must also contain a certification by an officer of  
16 the carrier OR AN OFFICER OF THE ADVISORY OR RATING ORGANIZATION  
17 that, to the best of the officer's knowledge, each new OR REVISED policy  
18 form, endorsement, rider, letter, notice, or other document proposed to be  
19 used complies with Colorado law. The commissioner shall determine the  
20 necessary elements of the certification.

21 (III) IF AN ADVISORY ORGANIZATION OR RATING ORGANIZATION  
22 CERTIFIES A FORM AS REQUIRED BY SUBPARAGRAPH (II) OF THIS  
23 PARAGRAPH (b) AND A CARRIER IS A MEMBER OF THAT ORGANIZATION AND  
24 USES THE FORM IN ITS ENTIRETY, THE CARRIER NEED NOT LIST THAT FORM  
25 AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) OR SUBMIT  
26 A CERTIFICATION FOR THAT FORM AS REQUIRED BY SUBPARAGRAPH (II) OF  
27 THIS PARAGRAPH (b).

1           (c) The commissioner may examine and investigate workers'  
2 compensation carriers authorized to conduct business in Colorado to  
3 determine whether workers' compensation policy forms endorsements,  
4 riders, letters, notices, or other forms as may be requested by the  
5 commissioner comply with the certification of the carrier and statutory  
6 mandates.

7           **SECTION 2. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety.