

## CHAPTER 257

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**LABOR AND INDUSTRY**


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## SENATE BILL 16-198

BY SENATOR(S) Holbert, Cooke, Heath, Jahn, Marble, Martinez Humenik, Neville T., Sonnenberg, Tate, Woods;  
also REPRESENTATIVE(S) Kraft-Tharp, Kagan, Klingenschmitt, Lontine, Pabon, Priola, Tyler, Williams, Winter, Hullinghorst.

## AN ACT

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

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

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

**8-44-102. Contract for insurance subject to workers' compensation act.**

(2) (a) (I) EXCEPT AS SPECIFIED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), every carrier providing workers' compensation insurance that is authorized to conduct business in Colorado shall submit an annual report to the commissioner of insurance listing any policy forms ~~endorsements, riders, letters, notices, or other documents affecting an insurance policy or contract issued or delivered to any policyholder in Colorado~~ as may be requested by the commissioner. The listing must be submitted no later than July 1 of each year and must contain a certification by an officer of the carrier that, to the best of the officer's knowledge, each policy form ~~endorsement, rider, letter, notice, or other document affecting an insurance policy or contract~~ in use complies with Colorado law. The commissioner shall determine the necessary elements of the certification.

(II) (A) AN ADVISORY ORGANIZATION AS DEFINED IN SECTION 10-4-402 (1), C.R.S., OR A RATING ORGANIZATION AS DEFINED IN SECTION 10-4-402 (3), C.R.S., SHALL SUBMIT AN ANNUAL REPORT TO THE COMMISSIONER OF INSURANCE LISTING ANY POLICY FORMS AS MAY BE REQUESTED BY THE COMMISSIONER. THE LISTING MUST BE SUBMITTED NO LATER THAN JULY 1 OF EACH YEAR AND MUST CONTAIN A CERTIFICATION BY AN OFFICER OF THE ORGANIZATION THAT, TO THE BEST OF THE OFFICER'S KNOWLEDGE, EACH POLICY FORM LISTED COMPLIES WITH COLORADO LAW.

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

THE COMMISSIONER SHALL DETERMINE THE NECESSARY ELEMENTS OF THE CERTIFICATION.

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

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

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

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

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

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

(c) The commissioner may examine and investigate workers' compensation

carriers authorized to conduct business in Colorado to determine whether workers' compensation policy forms ~~endorsements, riders, letters, notices, or other forms~~ as may be requested by the commissioner comply with the certification of the carrier and statutory mandates.

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

Approved: June 8, 2016