

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 24-1121.01 Christy Chase x2008

HOUSE BILL 24-1440

HOUSE SPONSORSHIP

Velasco,

SENATE SPONSORSHIP

Gonzales,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS FOR PROPERTY AND CASUALTY INSURERS**
102 **OFFERING INSURANCE POLICIES IN THE STATE TO PROVIDE**
103 **CERTAIN DOCUMENTS TO THEIR INSURED.**

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>.)

The bill repeals requirements for insurers that issue commercial and personal automobile, homeowners, and renters insurance policies (insurers) to provide certain policy documents in an insured's selected language of choice and instead requires insurers, starting January 1, 2026, to:

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

HOUSE
Amended 2nd Reading
April 20, 2024

- Provide insureds with a summary document that is in a form specified by the commissioner of insurance by rule that explains the coverages and exclusions under the policy, that specifies the coverages and exclusions the insured selected and rejected, and that is in either English or Spanish, based on the choice of the insured; and
- Offer insureds or applicants for insurance a form to select to receive the summary document in either English or Spanish.

If an insurer fails to comply with the requirements of the bill with regard to an automobile insurance policy, the insured may elect to void any mandatory coverage rejections or exclusions in the automobile insurance policy, may recover reasonable attorney fees and costs incurred for reinstating or rewriting the coverage, and is not required to pay any premium for the policy period applicable for the reinstated or rewritten coverage.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-4-122 as
 3 follows:

4 **10-4-122. Policy summary of major provisions - choice of**
 5 **language - penalty for insurer noncompliance - rules - definitions.**

6 (1) (a) (I) ON OR AFTER JANUARY 1, 2026, AN INSURER THAT ISSUES
 7 INSURANCE POLICIES IN THIS STATE SHALL PROVIDE A SUMMARY
 8 DOCUMENT IN SPANISH AND THAT SATISFIES THE REQUIREMENTS OF
 9 SUBSECTION (1)(a)(II) OF THIS SECTION TO:

10 (A) THE NAMED INSURED UNDER AN INSURANCE POLICY ISSUED IN
 11 THIS STATE, IF THE NAMED INSURED COMPLETED AND RETURNED TO THE
 12 INSURER THE LANGUAGE SELECTION FORM IN ACCORDANCE WITH
 13 SUBSECTION (2)(c) OF THIS SECTION; OR

14 (B) ALL NAMED INSUREDS UNDER INSURANCE POLICIES ISSUED IN
 15 THIS STATE IN ACCORDANCE WITH SUBSECTION (2)(d) OF THIS SECTION.

16 (II) THE SUMMARY DOCUMENT REQUIRED BY THIS SUBSECTION (1)

1 MUST:

2 (A) PROVIDE A GENERAL EXPLANATION OF THE COVERAGES AND
3 EXCLUSIONS UNDER THE INSURANCE POLICY, CONSISTENT WITH THE
4 REQUIREMENTS OF SECTION 10-4-111;

5 (B) INCLUDE THE COVERAGES SELECTED BY THE NAMED INSURED
6 UNDER THE INSURANCE POLICY;

7 (C) INCLUDE ANY MANDATORY COVERAGES REJECTED BY THE
8 NAMED INSURED PURSUANT TO SECTION 10-4-609 OR 10-4-635 AND ANY
9 EXCLUSIONS SELECTED BY THE NAMED INSURED PURSUANT TO SECTION
10 10-4-630; AND

11 (D) BE IN THE FORM PRESCRIBED BY, AND IN A WRITTEN OR
12 ELECTRONIC FORMAT AS DETERMINED BY, THE COMMISSIONER BY RULE.

13 (II) BY DECEMBER 31, 2024, THE COMMISSIONER, BY RULE, SHALL
14 CREATE AND APPROVE A SUMMARY DOCUMENT FORM, INCLUDING
15 SPECIFYING THE FORMAT, FOR INSURERS TO USE TO COMPLY WITH THIS
16 SUBSECTION (1).

17 (b) WITH REGARD TO A SUMMARY DOCUMENT THAT AN INSURER
18 PROVIDES TO THE NAMED INSURED:

19 (I) THE SUMMARY DOCUMENT IS FOR INFORMATIONAL PURPOSES
20 ONLY;

21 (II) THE ACTUAL TERMS OF THE NAMED INSURED'S INSURANCE
22 POLICY PREVAIL OVER THE INFORMATION PROVIDED IN THE SUMMARY
23 DOCUMENT;

24 (III) IN THE CASE OF A DISPUTE, THE INSURANCE POLICY IS
25 CONTROLLING, AND A COURT SHALL RELY ON THE ENGLISH-LANGUAGE
26 VERSION OF THE INSURANCE POLICY TO RESOLVE THE DISPUTE;

27 (IV) THE INFORMATION IN THE SUMMARY DOCUMENT DOES NOT

1 CREATE RIGHTS OR OBLIGATIONS ON THE PART OF THE INSURER, THE
2 NAMED INSURED, THE PRODUCER, OR THE STATE; AND

3 (V) THE SUMMARY DOCUMENT IS NOT INTENDED TO BE A
4 SUBSTITUTE FOR THE ACTUAL INSURANCE POLICY WRITTEN IN ENGLISH.

5 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(d) OF THIS
6 SECTION, AN INSURER THAT ISSUES INSURANCE POLICIES IN THIS STATE ON
7 OR AFTER JANUARY 1, 2026, SHALL:

8 (I) OFFER AN APPLICANT FOR A NEW OR RENEWAL INSURANCE
9 POLICY A FORM TO SELECT THE SUMMARY DOCUMENT DESCRIBED IN
10 SUBSECTION (1) OF THIS SECTION; AND

11 (II) PROVIDE THE LANGUAGE SELECTION FORM IN ENGLISH AND
12 SPANISH.

13 (b) FOR NEW INSURANCE POLICIES ISSUED ON OR AFTER JANUARY
14 1, 2026, THE INSURER SHALL PROVIDE THE LANGUAGE SELECTION FORM
15 DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION TO THE APPLICANT AT
16 THE TIME OF APPLICATION FOR THE INSURANCE POLICY. FOR RENEWAL
17 INSURANCE POLICIES, THE INSURER SHALL OFFER THE LANGUAGE
18 SELECTION FORM ONCE, AT THE FIRST RENEWAL OF THE INSURANCE POLICY
19 THAT ARISES ON OR AFTER JANUARY 1, 2026; EXCEPT THAT, IF THE
20 INSURER PREVIOUSLY OFFERED THE LANGUAGE SELECTION FORM TO THE
21 NAMED INSURED AT THE TIME OF APPLICATION FOR A NEW INSURANCE
22 POLICY, THE INSURER IS NOT REQUIRED TO OFFER THE LANGUAGE
23 SELECTION FORM AT THE TIME OF RENEWAL OF THAT INSURANCE POLICY.

24 (c) IF THE APPLICANT FOR A NEW OR RENEWAL INSURANCE POLICY
25 RETURNS THE LANGUAGE SELECTION FORM DESCRIBED IN SUBSECTION
26 (2)(a) OF THIS SECTION TO THE INSURER, THE INSURER SHALL PROVIDE THE
27 SUMMARY DOCUMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION

1 UPON ISSUANCE OF THE INITIAL INSURANCE POLICY AND AT EVERY
2 RENEWAL OF THE INSURANCE POLICY. IF THE APPLICANT DOES NOT RETURN
3 THE LANGUAGE SELECTION FORM TO THE INSURER WITHIN SIXTY DAYS
4 AFTER THE INSURER SENDS THE LANGUAGE SELECTION FORM, THE INSURER
5 IS NOT REQUIRED TO PROVIDE THE SUMMARY DOCUMENT DESCRIBED IN
6 SUBSECTION (1) OF THIS SECTION.

7 (d) INSTEAD OF OFFERING AN APPLICANT FOR A NEW OR RENEWAL
8 INSURANCE POLICY A LANGUAGE SELECTION FORM PURSUANT TO
9 SUBSECTION (2)(a) OF THIS SECTION, AN INSURER MAY COMPLY WITH THIS
10 SECTION BY PROVIDING ALL NAMED INSUREDS UNDER ITS INSURANCE
11 POLICIES ISSUED IN THIS STATE THE SUMMARY DOCUMENT DESCRIBED IN
12 SUBSECTION (1) OF THIS SECTION.

13 (e) BY DECEMBER 31, 2024, THE COMMISSIONER, BY RULE, SHALL
14 CREATE AND APPROVE A LANGUAGE SELECTION FORM, IN ENGLISH AND IN
15 SPANISH, FOR INSURERS TO USE TO COMPLY WITH THIS SUBSECTION (2).

16 (3) (a) ON AND AFTER JANUARY 1, 2026, IF AN INSURER FAILS TO
17 COMPLY WITH THE REQUIREMENTS OF THIS SECTION, ANY WRITTEN
18 REJECTIONS OF MANDATORY COVERAGES PURSUANT TO SECTION 10-4-609
19 OR 10-4-635 OR EXCLUSIONS PURSUANT TO SECTION 10-4-630 ARE
20 VOIDABLE AT THE NAMED INSURED'S ELECTION. IF THE NAMED INSURED
21 ELECTS TO VOID THE COVERAGE REJECTION OR EXCLUSION:

22 (I) THE NAMED INSURED MAY RECOVER REASONABLE ATTORNEY
23 FEES AND COURT COSTS INCURRED IN REINSTATING OR REWRITING THE
24 COVERAGE; AND

25 (II) THE INSURER SHALL NOT REQUIRE THE NAMED INSURED TO PAY
26 ANY PREMIUM DURING THE POLICY PERIOD APPLICABLE FOR THE
27 REINSTATED OR REWRITTEN COVERAGE.

1 (b) IF THE NAMED INSURED DOES NOT REJECT COVERAGE IN
2 FUTURE POLICY PERIODS, THE INSURER MAY CHARGE A PREMIUM FOR THE
3 COVERAGE IN FUTURE POLICY PERIODS.

4 (4) AS USED IN THIS SECTION:

5 (a) "INSURANCE POLICY" MEANS A PERSONAL AUTOMOBILE
6 POLICY OF INSURANCE.

7 (b) "PRODUCER" HAS THE SAME MEANING AS "INSURANCE
8 PRODUCER" AS SET FORTH IN SECTION 10-2-103 (6).

9 **SECTION 2.** In Colorado Revised Statutes, 10-1-133, **amend**
10 **(2)(a)** as follows:

11 **10-1-133. Consumer insurance council - creation - advisory**
12 **body - appointment of members - meetings - repeal.** (2) (a) The
13 council consists of at least six and not more than fifteen members
14 appointed by the commissioner, all of whom must represent consumer
15 organizations or be consumers who are not engaged, directly or indirectly,
16 in the insurance industry or any other industry, business, or profession
17 that might present a conflict of interest, as determined by the
18 commissioner, AND ONE OF WHOM MUST BE A CONSUMER WHOSE FIRST
19 LANGUAGE IS NOT ENGLISH. To the greatest extent possible, the council
20 must reflect the geographic and demographic diversity of the state.
21 Insurance producers, insurance industry representatives, actively
22 practicing health-care providers, and any other individuals who may have
23 a conflict of interest, as determined by the commissioner, are not eligible
24 for membership on the council.

25 **SECTION 3.** In Colorado Revised Statutes, 10-1-136, **add (3.5)**
26 **as follows:**

27 **10-1-136. Insurance policies - language other than English -**

1 **increasing access for non-English-speaking consumers - definitions.**

2 (3.5) THE COMMISSIONER SHALL USE COUNCILS ESTABLISHED WITHIN THE
3 DIVISION, INCLUDING THE PRODUCER ADVISORY COUNCIL AND ANY OTHER
4 COUNCILS ESTABLISHED BY THE COMMISSIONER, TO ENGAGE WITH
5 BILINGUAL INSURANCE PRODUCERS TO DISCUSS THE INSURANCE MARKET
6 FOR NON-ENGLISH-SPEAKING CONSUMERS, INCLUDING WAYS TO INCREASE
7 ACCESS TO INSURANCE PRODUCTS AND SERVICES FOR
8 NON-ENGLISH-SPEAKING CONSUMERS.

9 **SECTION 4.** In Colorado Revised Statutes, **repeal** 10-3-1119.

10 **SECTION 5. Safety clause.** The general assembly finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety or for appropriations for
13 the support and maintenance of the departments of the state and state
14 institutions.