

**First 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. 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 law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
January 30, 2023

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 **QUALIFIED** 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 THE
3 NATIONAL, NONPROFIT PROFESSIONAL ASSOCIATION, OR ITS SUCCESSOR
4 ORGANIZATION, THAT OFFERS CERTIFICATION FOR TRANSLATORS.

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

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

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

16 (a) THE APPLICATION FOR THE INSURANCE POLICY;

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

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

21 (2) (a) IF AN INSURER THAT ISSUES INSURANCE POLICIES IN THIS
22 STATE ADVERTISES, OFFERS, MAKES AVAILABLE, OR ISSUES INSURANCE
23 POLICIES IN A LANGUAGE OTHER THAN ENGLISH, THE INSURER SHALL:

24 (I) OFFER AN APPLICANT FOR A NEW OR RENEWAL INSURANCE
25 POLICY A FORM TO SELECT THE LANGUAGE OF CHOICE FOR THE
26 DOCUMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION; AND

27 (II) PROVIDE THE OFFER AND THE FORM IN EVERY LANGUAGE IN

1 WHICH THE INSURER ADVERTISES, OFFERS, MAKES AVAILABLE, OR ISSUES
2 ITS INSURANCE POLICIES.

3 (b) FOR NEW INSURANCE POLICIES, THE INSURER SHALL OFFER THE
4 FORM TO THE APPLICANT AT THE TIME OF APPLICATION FOR THE POLICY.
5 FOR RENEWAL INSURANCE POLICIES, THE INSURER SHALL OFFER THE FORM
6 ONCE, AT THE FIRST RENEWAL OF THE POLICY THAT ARISES ON OR AFTER
7 JANUARY 1, 2024; EXCEPT THAT, IF THE INSURER PREVIOUSLY OFFERED
8 THE FORM TO THE INSURED AT THE TIME OF APPLICATION FOR A NEW
9 INSURANCE POLICY, THE INSURER IS NOT REQUIRED TO OFFER THE FORM AT
10 THE TIME OF RENEWAL OF THAT POLICY.

11 (c) IF THE APPLICANT FOR A NEW OR RENEWAL POLICY RETURNS
12 THE FORM TO THE INSURER INDICATING A LANGUAGE SELECTION, THE
13 INSURER SHALL PROVIDE THE DOCUMENTS SPECIFIED IN SUBSECTION (1) OF
14 THIS SECTION IN THE LANGUAGE THE APPLICANT SELECTS. IF THE
15 APPLICANT DOES NOT RETURN THE FORM TO THE INSURER WITHIN SIXTY
16 DAYS AFTER RECEIVING THE FORM, THE INSURER MAY PROVIDE THE
17 DOCUMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION IN ENGLISH.

18 (3) CONSISTENT WITH SECTION 10-1-136 (2), IN THE EVENT OF A
19 DISPUTE OR COMPLAINT REGARDING AN INSURANCE POLICY, ANY RELATED
20 DOCUMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, OR THE
21 ADVERTISEMENT FOR AN INSURANCE POLICY, THE ENGLISH-LANGUAGE
22 VERSION OF THE INSURANCE POLICY OR RELATED DOCUMENTS CONTROLS
23 THE RESOLUTION OF THE DISPUTE OR COMPLAINT.

24 (4) (a) IF AN INSURER FAILS TO COMPLY WITH THE REQUIREMENTS
25 OF THIS SECTION, THE INSURANCE POLICY THAT WAS ISSUED WILL BE
26 REWRITTEN TO INCLUDE ANY COVERAGE THAT WAS REJECTED, WAIVED, OR
27 EXCLUDED. THE INSURED MAY RECOVER REASONABLE ATTORNEY FEES

1 AND COURT COSTS IN RELATION TO A CIVIL SUIT FILED TO OBTAIN A
2 REWRITE OF THE INSURANCE POLICY, AND THE INSURER SHALL NOT
3 REQUIRE THE INSURED TO PAY ANY PREMIUM FOR COVERAGE RESULTING
4 FROM THE REWRITE THAT RETROACTIVELY APPLIES TO THE START OF THE
5 INSURANCE POLICY COVERAGE PERIOD.

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

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

12 (5) AS USED IN THIS SECTION:

13 (a) "ADVERTISEMENT" MEANS ANY MATERIAL DESIGNED TO
14 CREATE PUBLIC INTEREST IN A PRODUCT OR TO INDUCE THE PUBLIC TO
15 PURCHASE, INCREASE, MODIFY, REINSTATE, REPLACE, OR RETAIN AN
16 INSURANCE POLICY.

17 (b) "INSURANCE POLICY" MEANS A COMMERCIAL AUTOMOBILE,
18 PERSONAL AUTOMOBILE, HOMEOWNERS', OR RENTERS' POLICY OF
19 INSURANCE.

20 **SECTION 3. Act subject to petition - effective date.** This act
21 takes effect January 1, 2024; except that, if a referendum petition is filed
22 pursuant to section 1 (3) of article V of the state constitution against this
23 act or an item, section, or part of this act within the ninety-day period
24 after final adjournment of the general assembly, then the act, item,
25 section, or part will not take effect unless approved by the people at the

1 general election to be held in November 2024 and, in such case, will take
2 effect on the date of the official declaration of the vote thereon by the
3 governor.