



COLORADO

Department of
Regulatory Agencies

Division of Insurance

Bulletin No. B-5.52

Payment of Child Restraint Systems in Motor Vehicle Accidents

I. Background and Purpose

The purpose of this bulletin is to provide guidance to insurers, pursuant to HB25-1179, about the Division's expectations when handling claims in which a child restraint system was in a vehicle at the time of an automobile accident.

Bulletins are the Division of Insurance's (Division) interpretations of existing insurance law or general statements of Division policy. Bulletins themselves establish neither binding norms nor finally determine issues or rights.

II. Applicability and Scope

This Bulletin is applicable to property and casualty insurers that issue motor vehicle insurance policies and pay motor vehicle accident-related claims.

III. Division Position

The Colorado legislature passed House Bill 25-1179, which requires insurers to pay the cost to replace a child restraint system, as defined in Section 42-4-236 (1)(a.5), C.R.S., if the child restraint system was in a motor vehicle at the time of an automobile accident and to which coverage in the applicable policy is available.

Effective January 1, 2026, at the time a claim is submitted to the insurer, the insurer shall ask if a child restraint system was in the motor vehicle at the time of the loss. The Division's position is that if there was a child restraint system in the vehicle at the time of loss, regardless of occupancy, the insurer shall pay the cost to replace the child restraint system under any of the following circumstances:

- The claimant has made a claim under his/her collision coverage, which is applicable and payable.
- The claimant has made a claim under his/her comprehensive coverage, which is applicable and payable due to a collision with an animal.
- The claimant has made a claim under the at-fault party's liability property damage coverage and the insurer has accepted liability.
- The claimant has made a claim under his/her Uninsured Motorist Property Damage (UMPD) coverage, which is applicable and payable.

IV. Additional Resources

Colorado Division of Insurance
Property, Casualty & Title Consumer Services

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doi.colorado.gov

V. History

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