

~~DEPARTMENT OF REGULATORY AGENCIES~~

~~Division of Insurance~~

~~3 CCR 702-5~~

~~PROPERTY AND CASUALTY~~

~~Regulation 5-1-24~~

~~CONCERNING LANGUAGE REQUIREMENTS FOR INSURANCE POLICY DOCUMENTS~~

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~~Section 1 — Authority~~

~~This regulation is being promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-108, 10-1-109, 10-1-136 10-3-1110, and 10-3-1119, C.R.S.~~

~~Section 2 — Scope and Purpose~~

~~The purpose of this regulation is to provide the requirements for property and casualty insurance companies to comply with §§ 10-1-136 and 10-3-1119, C.R.S., as amended by House Bill 23-1004 (HB23-1004).~~

~~Section 3 — Applicability~~

~~This regulation applies to all insurance companies selling commercial automobile, personal automobile, homeowners' or renters' insurance policies.~~

~~Section 4 — Definitions~~

- ~~A. — "Advertisement" shall have the same meaning as found at § 10-3-1119(5)(a), C.R.S.~~
- ~~B. — "Certified translator" shall have the same meaning as found at § 10-1-136 (4)(b), C.R.S.~~
- ~~C. — "Insurance policy" shall have the same meaning as found at § 10-3-1119(5)(b), C.R.S.~~
- ~~D. — "Producer" shall have the same meaning as found at § 10-2-103(6), — C.R.S.~~
- ~~E. — "Insurer" shall have the same meaning as found at § 10-1-102(13), C.R.S.~~

~~Section 5 — Language Requirements for Insurance Policy Documents~~

A. ~~No obligations are imposed on insurers by Sections 10-1-136 and 10-3-1119, C.R.S., prior to the January 1, 2024, effective date.~~

B. ~~A producer, customer service representative or external translation services representative that speaks a language other than English, or displays a sign in a language other than English, and is assisting a new or existing policyholder with their insurance policy or coverage does not constitute an advertisement for the purposes of Section 10-3-1119, C.R.S.~~

C. ~~Section 10-3-1119(1)(a)-(c), C.R.S., requires an insurer to make specific documents available to policyholders in the same language the insurer used in any advertisement for the insurance policy. Section 10-3-1119(1)(c) further states that "other policy or coverage related documents" must also be provided to policyholders in the same language the insurer used in any advertisement in this state for the insurance policy. The law is ambiguous as to what "other policy or coverage related documents" are required to be translated in order to comply with the law. However, section 10-3-1119(4), C.R.S., the remedy subsection of the law, states, in part, that "any written coverage rejections or exclusions resulting from the insurer's failure to comply with this section are voidable at the insured's election" (Emphasis added) As a result, the Division of Insurance interprets the "other policy or coverage related documents" required to be translated as limited to coverage rejections or exclusions.~~

Section 6 ~~Severability~~

~~If any provision of this regulation or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of this regulation shall not be affected.~~

Section 7 ~~Enforcement~~

~~Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.~~

Section 8 ~~Effective Date~~

~~This regulation shall become effective on March 1, 2024.~~

Section 9 ~~History~~

~~New regulation effective March 1, 2024.~~

This regulation shall be repealed effective December 30, 2025.