

# ~~DEPARTMENT OF REGULATORY AGENCIES~~

## ~~Division of Insurance~~

### ~~3 CCR 702-5~~

## ~~PROPERTY AND CASUALTY~~

### ~~Proposed New Regulation 5-2-03~~

### ~~CONCERNING REQUESTS FOR COMMERCIAL OR PERSONAL AUTOMOBILE POLICY INFORMATION FROM A COMPLAINANT OR COMPLAINANT'S ATTORNEY~~

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#### ~~Section 1 — Authority~~

~~This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109(1) and 10-3-1117, C.R.S.~~

#### ~~Section 2 — Scope and Purpose~~

~~The purpose of this regulation is to establish reporting requirements and rules for commercial and/or personal automobile insurers who receive requests from claimants, or a claimant's attorney, for automobile policy information to ensure compliance with the requirements of § 10-3-1117, C.R.S.~~

#### ~~Section 3 — Applicability~~

~~The provisions of this regulation shall apply to all insurers who offer commercial and/or personal automobile policies in Colorado.~~

#### ~~Section 4 — Definitions~~

~~A. "Insurer" shall have the same meaning as found at § 10-1-102(13), C.R.S.~~

~~B. "Claimant" shall have the same meaning as found at § 10-3-1117(5), C.R.S.~~

~~C. "Policy" shall have the same meaning as found at § 10-4-601(10), C.R.S., and does not include a declaration page or the application submitted to obtain the policy.~~

#### ~~Section 5 — Rules and Reporting Requirements~~

- ~~A. In order to ensure compliance with § 10-3-1117, C.R.S., insurers shall establish a process to respond to written requests for commercial automobile and personal automobile policy liability limit information within the thirty (30) calendar day statutory timeline.~~
- ~~B. A request for commercial automobile and personal automobile policy liability limits from an insurer shall:~~
- ~~1. Be sent to the Division of Insurance if the Division is the insurers registered agent, or~~
  - ~~2. If the Division is not the registered agent, be sent directly to the insurer's registered agent as reported to, and identified in the records of, the Division.~~
- ~~C. For purposes of compliance with § 10-3-1117, C.R.S., insurers shall provide a copy of the commercial or personal automobile policy, which does not include the declarations page or the application submitted for that policy.~~
- ~~D. Insurers shall maintain records of all of the written requests for commercial automobile and personal automobile policy liability limit information, and the responses provided, for no less than three (3) years from the date of receipt of the request, and shall be made available to the Commissioner upon request.~~

#### **~~Section 6 Severability~~**

~~If any provision of this regulation or the application of it to any person or circumstances 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 be effective January 1, 2020.~~

#### **~~Section 9 History~~**

~~New regulation effective January 1, 2020.~~

~~This regulation will be repealed effective December 30, 2025.~~