

HOUSE JOURNAL
SIXTY-FOURTH GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

One hundred-first Legislative Day

Friday, April 18, 2003

1 Prayer by Father Michael Suchnicki, Samaritan House, Denver.

2

3 The Speaker called the House to order at 9:00 a.m.

4

5 Pledge of Allegiance led by Representative Witwer.

6

7 The roll was called with the following result:

8

9 Present--63.

10 Excused--Representatives Garcia, Hefley--2.

11 Present after roll call--Representative Garcia.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Pommer, the reading of the journal of
17 April 17, 2003, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

19

20

21

22

CONSIDERATION OF RESOLUTIONS

23

24 **SJR03-035** by Senator(s) Grossman, Groff, Andrews, Gordon,
25 Johnson S., McElhany, Sandoval; also Representative(s)
26 Merrifield--Concerning the recognition of Patriots Day.

27

28 (Printed and placed in member's file.)

29

30 On motion of Representative Merrifield, the resolution was read at length
31 and **adopted** by **viva voce** vote.

32

33 Co-sponsors added: Roll call of the House.

34

35

36 **HJR03-1029** by Representative(s) Clapp, Cadman, Frangas, Harvey,
37 Hefley, Jahn, Judd, King, May M., Rhodes, Schultheis,
38 Smith, Stafford, Wiens; also Senator(s) Johnson S.--
39 Concerning Foster Care Month.

40

41 (Printed and placed in member's file, also printed in House Journal
42 March 11, pages 1113-1114.)

43

1 On motion of Representative Clapp, the resolution was read at length and
2 **adopted by viva voce** vote.

3

4 Co-sponsors added: Roll call of the House.

5

6

7

8

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

9

10 **SB03-290** by Senator(s) Owen, Reeves, Teck; also Representative(s)
11 Young, Plant, Witwer--Concerning the authority of the
12 board of parks and outdoor recreation regarding its budget,
13 and, in connection therewith, allowing the board to
14 establish fees by rule, creating a stores revolving fund, and
15 making an appropriation.

16

17 (Conference Committee Report printed in House Journal, April 17,
18 pages 1752-1753.)

19

20 On motion of Representative Young, the Conference Committee Report
21 was **adopted** by the following roll call vote:

22

23

	YES	62	NO	02	EXCUSED	01	ABSENT	00
24	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
25	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
26	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
27	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
28	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
29	Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	Y
30	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	Y
31	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
32	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
33	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
34	Cloer	Y	King	Y	Rhodes	Y	White	Y
35	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
36	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
37	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
38	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
39	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
40							Speaker	Y

41

42 The question being "Shall the bill, as amended, pass?".

43 A roll call vote was taken. As shown by the following recorded vote, a
44 majority of those elected to the House voted in the affirmative and the
45 bill, as amended, was declared **repassed**.

46

47

	YES	63	NO	01	EXCUSED	01	ABSENT	00
48	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
49	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
50	Boyd	Y	Hall	Y	McFadyen	N	Spence	Y
51	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
52	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
53	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
54	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
55	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
56	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y

1	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
2	Cloer	Y	King	Y	Rhodes	Y	White	Y
3	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
4	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
5	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
6	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
7	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
8							Speaker	Y

9
10 **SB03-284** by Senator(s) Teck, Owen, Reeves; also Representative(s)
11 Young, Plant, Witwer--Concerning the reduction of the
12 period of mandatory juvenile parole, and making an
13 appropriation in connection therewith.
14

15 (Conference Committee Report printed in House Journal, April 17,
16 page 1754.)
17

18 On motion of Representative Young, the Conference Committee Report
19 was **adopted** by the following roll call vote:
20

21	YES	64	NO	00	EXCUSED	01	ABSENT	00
22	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
23	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
24	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
25	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
26	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
27	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
28	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
29	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
30	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
31	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
32	Cloer	Y	King	Y	Rhodes	Y	White	Y
33	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
34	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
35	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
36	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
37	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
38							Speaker	Y

39
40 The question being "Shall the bill, as amended, pass?"
41 A roll call vote was taken. As shown by the following recorded vote, a
42 majority of those elected to the House voted in the affirmative and the
43 bill, as amended, was declared **repassed**.
44

45	YES	64	NO	00	EXCUSED	01	ABSENT	00
46	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
47	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
48	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
49	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
50	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
51	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
52	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
53	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
54	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
55	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
56	Cloer	Y	King	Y	Rhodes	Y	White	Y

1	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
2	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
3	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
4	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
5	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
6							Speaker	Y

7
8 **HB03-1005** by Representative(s) Hoppe, Hodge, Miller, Rippy, White;
9 also Senator(s) Entz, Isgar, Phillips, Taylor--Concerning
10 the extension of the implementation dates for certain water
11 augmentation requirements.
12

13 (Conference Committee Report printed in House Journal, April 17,
14 page 1719.)
15

16 On motion of Representative Hoppe, the Conference Committee Report
17 was **adopted** by the following roll call vote:
18

19	YES	64	NO	00	EXCUSED	01	ABSENT	00
20	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
21	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
22	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
23	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
24	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
25	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
26	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
27	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
28	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
29	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
30	Cloer	Y	King	Y	Rhodes	Y	White	Y
31	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
32	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
33	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
34	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
35	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
36							Speaker	Y

37
38 The question being "Shall the bill, as amended, pass?".
39 A roll call vote was taken. As shown by the following recorded vote, a
40 majority of those elected to the House voted in the affirmative and the
41 bill, as amended, was declared **repassed**.
42

43	YES	64	NO	00	EXCUSED	01	ABSENT	00
44	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
45	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
46	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
47	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
48	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
49	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
50	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
51	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
52	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
53	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
54	Cloer	Y	King	Y	Rhodes	Y	White	Y
55	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
56	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y

1	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
2	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
3	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
4							Speaker	Y

5 Co-sponsor added: Representative Weddig.

6
7 **HB03-1103** by Representative(s) Briggs; also Senator(s) Chlouber--
8 Concerning an increase of the service required to be
9 provided by qualified private businesses pursuant to
10 competitively negotiated contracts to fifty percent of the
11 regional transportation district service that involves
12 transporting the general public by means of any self-
13 propelled vehicle that is designed primarily for travel on
14 the public highways.

15
16 (Conference Committee Report printed in House Journal, April 17,
17 pages 1719-1720.)

18
19 On motion of Representative Briggs, the Conference Committee Report
20 was **adopted** by the following roll call vote:

22	YES	47	NO	17	EXCUSED	01	ABSENT	00
23	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
24	Borodkin	N	Garcia	Y	McCluskey	Y	Smith	Y
25	Boyd	N	Hall	Y	McFadyen	N	Spence	Y
26	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
27	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
28	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	N
29	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	Y
30	Carroll	N	Jahn	Y	Plant	Y	Vigil	N
31	Cerbo	N	Johnson	Y	Pommer	N	Weddig	N
32	Clapp	Y	Judd	Y	Ragsdale	N	Weissmann	N
33	Cloer	Y	King	Y	Rhodes	Y	White	Y
34	Coleman	N	Larson	Y	Rippy	Y	Wiens	Y
35	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
36	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
37	Fairbank	Y	Madden	N	Salazar	Y	Witwer	Y
38	Frangas	N	Marshall	N	Schultheis	Y	Young	Y
39							Speaker	Y

40
41 The question being "Shall the bill, as amended, pass?".

42 A roll call vote was taken. As shown by the following recorded vote, a
43 majority of those elected to the House voted in the affirmative and the
44 bill, as amended, was declared **repassed**.

46	YES	40	NO	24	EXCUSED	01	ABSENT	00
47	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
48	Borodkin	N	Garcia	Y	McCluskey	Y	Smith	Y
49	Boyd	N	Hall	Y	McFadyen	N	Spence	Y
50	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
51	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
52	Butcher	Y	Hodge	N	Mitchell	Y	Tochtrop	N
53	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	N
54	Carroll	N	Jahn	N	Plant	N	Vigil	N
55	Cerbo	N	Johnson	Y	Pommer	N	Weddig	N
56	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N

1	Cloer	Y	King	Y	Rhodes	Y	White	Y
2	Coleman	N	Larson	Y	Rippy	Y	Wiens	Y
3	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	N
4	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
5	Fairbank	Y	Madden	N	Salazar	N	Witwer	Y
6	Frangas	N	Marshall	N	Schultheis	Y	Young	Y
7							Speaker	Y

8
 9 **HB03-1224** by Representative(s) Lee, Schultheis, Harvey, Briggs,
 10 Brophy, Cadman, Clapp, Crane, Decker, Fairbank, Fritz,
 11 Hall, Hefley, King, Larson, Lundberg, May M.,
 12 McCluskey, Mitchell, Rhodes, Rose, Sinclair, Spence,
 13 Spradley, Stafford, Stengel, White, Wiens; also Senator(s)
 14 Andrews, May R., Chlouber, Arnold, Cairns, Dyer, Entz,
 15 Hillman, Johnson S., Jones, Kester, McElhany, Owen,
 16 Taylor, Teck--Concerning a prohibition against the
 17 acceptance by public entities of identity documents that
 18 are not secure.

19
 20 (Conference Committee Report printed in House Journal, April 17,
 21 pages 1726-1727.)

22
 23 Representative Lee moved the Conference Committee Report be **adopted**.

24
 25 A substitute motion by Representative Decker that the House reject the
 26 Conference Committee Report and **adhere** to its position on **HB03-1224**
 27 was declared **lost** by the following roll call vote:

28	YES	18	NO	46	EXCUSED	01	ABSENT	00
29	Berry	Y	Fritz	N	May	N	Sinclair	N
30	Borodkin	Y	Garcia	N	McCluskey	N	Smith	N
31	Boyd	Y	Hall	N	McFadyen	Y	Spence	N
32	Briggs	N	Harvey	N	Merrifield	Y	Stafford	N
33	Brophy	N	Hefley	E	Miller	N	Stengel	N
34	Butcher	N	Hodge	Y	Mitchell	N	Tochtrop	N
35	Cadman	N	Hoppe	N	Paccione	Y	Veiga	Y
36	Carroll	N	Jahn	Y	Plant	N	Vigil	N
37	Cerbo	Y	Johnson	N	Pommer	Y	Weddig	N
38	Clapp	N	Judd	N	Ragsdale	N	Weissmann	Y
39	Cloer	N	King	N	Rhodes	N	White	N
40	Coleman	N	Larson	N	Rippy	Y	Wiens	N
41	Crane	N	Lee	N	Romanoff	N	Williams S.	Y
42	Decker	Y	Lundberg	N	Rose	N	Williams T.	Y
43	Fairbank	N	Madden	N	Salazar	Y	Witwer	N
44	Frangas	Y	Marshall	N	Schultheis	N	Young	N
45							Speaker	N

46
 47
 48 A substitute motion by Representative Larson that the House reject the
 49 Conference Committee Report, discharge the First Conference Committee
 50 for **HB03-1224**, and that a Second Conference Committee be appointed
 51 was declared **lost** by the following roll call vote:

52	YES	32	NO	32	EXCUSED	01	ABSENT	00
53	Berry	Y	Fritz	N	May	N	Sinclair	N
54	Borodkin	Y	Garcia	N	McCluskey	N	Smith	N
55	Boyd	Y	Hall	N	McFadyen	Y	Spence	N

1	Briggs	N	Harvey	N	Merrifield	Y	Stafford	N
2	Brophy	N	Hefley	E	Miller	N	Stengel	N
3	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
4	Cadman	N	Hoppe	N	Paccione	Y	Veiga	Y
5	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
6	Cerbo	Y	Johnson	N	Pommer	Y	Weddig	Y
7	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	Y
8	Cloer	N	King	N	Rhodes	N	White	N
9	Coleman	Y	Larson	Y	Rippy	Y	Wiens	N
10	Crane	N	Lee	N	Romanoff	Y	Williams S.	Y
11	Decker	Y	Lundberg	N	Rose	N	Williams T.	Y
12	Fairbank	N	Madden	Y	Salazar	Y	Witwer	N
13	Frangas	Y	Marshall	Y	Schultheis	N	Young	N
14							Speaker	Y

15
16 Representative Lee's motion that the Conference Committee Report be
17 adopted was declared **lost** by the following roll call vote:

19	YES	32	NO	32	EXCUSED	01	ABSENT	00
20	Berry	N	Fritz	Y	May	Y	Sinclair	Y
21	Borodkin	N	Garcia	N	McCluskey	Y	Smith	Y
22	Boyd	N	Hall	Y	McFadyen	N	Spence	Y
23	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
24	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
25	Butcher	N	Hodge	N	Mitchell	Y	Tochtrop	N
26	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	N
27	Carroll	N	Jahn	N	Plant	N	Vigil	N
28	Cerbo	N	Johnson	Y	Pommer	N	Weddig	N
29	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N
30	Cloer	Y	King	Y	Rhodes	Y	White	Y
31	Coleman	N	Larson	N	Rippy	Y	Wiens	Y
32	Crane	Y	Lee	Y	Romanoff	N	Williams S.	N
33	Decker	N	Lundberg	Y	Rose	Y	Williams T.	N
34	Fairbank	Y	Madden	N	Salazar	N	Witwer	Y
35	Frangas	N	Marshall	N	Schultheis	Y	Young	Y
36							Speaker	N

37
38 **HB03-1301** by Representative(s) Hall; also Senator(s) Teck--
39 Concerning the penalties for persons who issue checks to
40 the department of revenue that are returned as unpaid for
41 any reason caused by the maker.

42
43 (Conference Committee Report printed in House Journal, April 17,
44 page 1727.)

45
46 Under Joint Rule 6(b)(4) Representative Hall moved that the House reject
47 the Conference Committee Report, discharge the First Conference
48 Committee for **HB03-1301**, that a Second Conference Committee be
49 appointed. The motion was declared **passed** by the following roll call
50 vote:

52	YES	64	NO	00	EXCUSED	01	ABSENT	00
53	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
54	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
55	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
56	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y

1	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
2	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
3	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
4	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
5	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
6	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
7	Cloer	Y	King	Y	Rhodes	Y	White	Y
8	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
9	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
10	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
11	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
12	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
13							Speaker	Y

14 The first Conference Committee was discharged and the Speaker
 15 appointed Representatives Hall Chairman, Stengel and Jahn as House
 16 conferees to the Second Conference Committee.

17
 18
 19
 20 House in recess. House reconvened.

21
 22
 23
 24 **RECALL OF HB03-1263**

25
 26 Representative Plant moved for recall of **HB03-1263** for purpose of
 27 reconsideration. The motion passed by unanimous consent. The bill was
 28 ordered recalled.

29
 30
 31 **CONSENT GRANTED TO CONFERENCE COMMITTEE**

32
 33 Representative Coleman moved that the First Conference Committee on
 34 **SB03-009** be granted permission to go beyond the scope of the difference
 35 between the House and the Senate. The motion was passed by the
 36 following roll call vote:

37	YES	64	NO	00	EXCUSED	01	ABSENT	00
39	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
40	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
41	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
42	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
43	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
44	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
45	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
46	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
47	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
48	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
49	Cloer	Y	King	Y	Rhodes	Y	White	Y
50	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
51	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
52	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
53	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
54	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
55							Speaker	Y

NOTICE OF INTENT TO RECONSIDER HB03-1224

Having voted on the prevailing side, Representative Lee served notice of intent to reconsider the House action (reject Conference Committee report, discharge 1st Conference Committee, appoint 2nd Conference committee, page 1762) on **HB03-1224**.

On motion of Representative King, **HB03-1123, 1317, 1188, 1210, 1213, 1345, HCR03-1003, HB03-1105, 1339, 1323, SB03-051, HB03-1316, 1342** were added to the Special Orders calendar on Friday, April 18, 2003.

On motion of Representative Harvey, the House resolved itself into Committee of the Whole for consideration of Special Orders and he was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported the titles of the following bills had been read (reading at length had been dispensed with by unanimous consent), the bills considered and action taken thereon as follows:

(Amendments to the committee amendment are to the printed committee report which was printed and placed in the members' bill file.)

HB03-1123 by Representative(s) Sinclair, King, Lee, Rippey, Stafford; also Senator(s) Johnson S.--Concerning the cash funding of the regulation of racing events, and, in connection therewith, making an appropriation.

Amendment No. 1, Finance Report, dated February 5, 2003, and placed in member's bill file; Report also printed in House Journal, February 6, pages 344-345.

Amendment No. 2, Appropriations Report, dated April 3, 2003, and placed in member's bill file; Report also printed in House Journal, April 3, pages 1437-1438.

As amended, ordered engrossed and placed on the Calendar for Third Reading and Final Passage.

HB03-1188 by Representative(s) King, Cloer; also Senator(s) McElhany--Concerning compulsory insurance coverage for motor vehicles.

Amendment No. 1, Business Affairs & Labor Report, dated April 15, 2003, and placed in member's bill file; Report also printed in House Journal, April 16, pages 1688-1702.

1 Amendment No. 2, by Representative King.

2
3 Amend the Business Affairs and Labor Committee Report, dated April
4 15, 2003, page 20, after line 25, insert the following:

5
6 **"SECTION 4.** 10-3-1104 (1) (u), Colorado Revised Statutes, is
7 amended to read:

8
9 **10-3-1104. Unfair methods of competition and unfair or**
10 **deceptive acts or practices.** (1) The following are defined as unfair
11 methods of competition and unfair or deceptive acts or practices in the
12 business of insurance:

13
14 (u) Certifying pursuant to section ~~10-4-725~~ 10-4-630 or issuing,
15 soliciting, or using an automobile policy form, endorsement, or notice
16 form that does not comply with statutory mandates. Such solicitation or
17 certification shall be subject to the sanctions described in sections
18 10-3-1107, 10-3-1108, and 10-3-1109.

19
20 **SECTION 5.** 10-3-1110 (2), Colorado Revised Statutes, is
21 amended to read:

22
23 **10-3-1110. Regulations.** (2) The commissioner may, after notice
24 and hearing, as provided in article 4 of title 24, C.R.S., promulgate rules
25 and regulations with respect to the payment of benefits under group and
26 individual contracts of property or casualty coverage, except for property
27 and casualty coverage provided pursuant to the "~~Colorado Auto Accident~~
28 ~~Reparations Act~~", part 7 6 of article 4 of this title, issued by organizations
29 authorized to do business in this state under the provisions of article 4 of
30 this title. Such rules and regulations may establish a penalty payable to
31 the claimant on benefit payments ~~which~~ THAT are delayed more than sixty
32 days after a valid and complete filing of the claim unless there is a
33 reasonable dispute between the parties concerning such claim. Such
34 penalty shall not exceed twenty dollars on claims of less than one
35 hundred dollars or interest at a rate of eight percent annually on claims
36 above one hundred dollars. In addition to such penalties payable to the
37 claimant, the commissioner, after notice and hearing, may assess a civil
38 penalty against any insurer of one hundred dollars per day for each day
39 benefit payments are delayed more than sixty days after a valid and
40 complete filing of the claim unless there is a reasonable dispute between
41 the parties concerning such claim.

42
43 **SECTION 6.** 10-4-115 (2), Colorado Revised Statutes, is
44 amended to read:

45
46 **10-4-115. Private utilization review.** (2) An insurance carrier
47 regulated pursuant to the provisions of this article may contract with any
48 private utilization review organization and receive from that private
49 utilization review organization a utilization review opinion. If the
50 insurance carrier relies on the opinion of the private utilization review
51 organization resulting in a decision to not pay benefits ~~which~~ THAT an
52 appropriate fact finder later determines were due and owing, then the
53 insurance carrier shall be responsible to pay the past due benefits in
54 addition to interest and costs. ~~and attorney fees, as may be required by~~
55 ~~section 10-4-708 (1.7).~~ Nothing in this subsection (2) shall be construed
56 to affect or limit the commissioner's power to regulate under the

1 provisions of section 10-3-1104 (1) (h), nor shall anything in this
2 subsection (2) limit or affect the insured's remedies under the "~~Colorado~~
3 ~~Auto Accident Reparations Act~~", part 7 6 of this article, or any common
4 law remedy.

5

6 **SECTION 7.** 10-16-106.5 (2.5), Colorado Revised Statutes, is
7 amended to read:

8

9 **10-16-106.5. Prompt payment of claims - legislative**
10 **declaration.** (2.5) This section shall not apply to claims arising ~~under~~
11 ~~the "Colorado Auto Accident Reparations Act"~~, part 7 6 of article 4 of
12 this title.

13

14 **SECTION 8.** 13-80-101 (1) (j), Colorado Revised Statutes, is
15 amended to read:

16

17 **13-80-101. General limitation of actions - three years.** (1) The
18 following civil actions, regardless of the theory upon which suit is
19 brought, or against whom suit is brought, shall be commenced within
20 three years after the cause of action accrues, and not thereafter:

21

22 (j) All actions under the "~~Colorado Auto Accident Reparations~~
23 ~~Act~~", part 7 6 of article 4 of title 10, C.R.S.;

24

25 **SECTION 9.** 24-30-1512, Colorado Revised Statutes, is amended
26 to read:

27

28 **24-30-1512. Risk management fund and self-insured property**
29 **fund not subject to insurance laws.** The setting aside of reserves for
30 self-insurance purposes in the risk management fund created in section
31 24-30-1510, in the self-insured property fund created in section
32 24-30-1510.5, and in the state employee workers' compensation account
33 in the risk management fund created in section 24-30-1510.7, shall not be
34 construed to be creating an insurance company, nor shall the risk
35 management fund or the self-insured property fund otherwise be subject
36 to the provisions of the laws of this state regulating insurance or
37 insurance companies. The requirements of section ~~10-4-716~~ 10-4-621,
38 C.R.S., concerning MOTOR VEHICLE self-insurance ~~under the "Colorado~~
39 ~~Auto Accident Reparations Act~~" are not applicable to this part 15.

40

41 **SECTION 10.** 26-4-403 (8), Colorado Revised Statutes, is
42 amended to read:

43

44 **26-4-403. Recoveries - overpayments - penalties - interest -**
45 **adjustments - liens.** (8) Nothing in the "~~Colorado Auto Accident~~
46 ~~Reparations Act~~", part 7 6 of article 4 of title 10, C.R.S., shall be
47 construed to limit the right of the state department to recover the medical
48 assistance furnished to or on behalf of a recipient as the result of the
49 negligence of a third party.

50

51 **SECTION 11.** 42-2-127.7 (2) (a), (3), (5) (a), and (8) (c) (I),
52 Colorado Revised Statutes, are amended to read:

53

54 **42-2-127.7. Authority to suspend license - uninsured motorists**
55 **- legislative declaration.** (2) (a) The department may suspend the
56 license of any person upon its determination that the person drove a

1 vehicle in this state without having in full force and effect a complying
 2 policy or certificate of self-insurance as required by sections ~~10-4-705~~
 3 10-4-616 and ~~10-4-716~~ 10-4-621, C.R.S.

4
 5 (3) Whenever a law enforcement officer determines, by checking
 6 the motorist insurance identification database created in section 42-7-604,
 7 and by any other means authorized by law, that a driver violates section
 8 42-4-1409 by not having a complying policy or certificate of
 9 self-insurance in full force and effect as required by sections ~~10-4-705~~
 10 10-4-616 and ~~10-4-716~~ 10-4-621, C.R.S., the law enforcement officer
 11 making such determination shall forward to the department an affidavit
 12 that includes a statement of the officer's probable cause that the person
 13 committed such violation, and a copy of the citation and complaint, if
 14 any, filed with the court. The affidavit shall be dated, signed, and sworn
 15 to by the law enforcement officer under penalty of perjury, but need not
 16 be notarized or sworn to before any other person.

17
 18 (5) (a) Whenever a law enforcement officer determines, by
 19 checking the motorist insurance identification database created in section
 20 42-7-604, and by any other means authorized by law, that a driver
 21 violates section 42-4-1409 by not having a complying policy or certificate
 22 of self-insurance as required by sections ~~10-4-705~~ 10-4-616 and ~~10-4-716~~
 23 10-4-621, C.R.S., the officer, acting on behalf of the department may
 24 serve the notice of suspension personally on such driver. If the law
 25 enforcement officer serves the notice of suspension, the officer shall take
 26 possession of any driver's license issued by this state or any other state
 27 ~~which~~ THAT is held by the person. When the officer takes possession of
 28 a valid license, the officer, acting on behalf of the department, shall issue
 29 a temporary permit ~~which~~ THAT is valid for seven days after its date of
 30 issuance.

31
 32 (8) (c) (I) When a license is suspended under paragraph (a) of
 33 subsection (2) of this section, the sole issue at the hearing shall be
 34 whether by a preponderance of the evidence the person drove a vehicle
 35 in this state without having in force a complying policy or certificate of
 36 self-insurance as required by sections ~~10-4-705~~ 10-4-616 and ~~10-4-716~~
 37 10-4-621, C.R.S. If the presiding hearing officer finds the affirmative of
 38 the issue, the suspension order shall be sustained. If the presiding hearing
 39 officer finds the negative of the issue, the suspension order shall be
 40 rescinded.

41
 42 **SECTION 12.** 42-3-105 (1) (c) (I) and (2), Colorado Revised
 43 Statutes, are amended to read:

44
 45 **42-3-105. Application for registration - tax - repeal.**

46 (1) (c) (I) The department may not register a motor vehicle unless the
 47 applicant has a complying motor vehicle insurance policy, including an
 48 operator's policy of insurance under section 10-4-706.5, C.R.S., or a
 49 certificate of self-insurance in full force and effect as required by sections
 50 ~~10-4-705~~ 10-4-616 and ~~10-4-716~~ 10-4-621, C.R.S. The requirements of
 51 this paragraph (c) apply only to motor vehicles classified as Class C
 52 personal property under section 42-3-106 (1) (c), to light trucks that do
 53 not exceed sixteen thousand pounds empty weight and that are not
 54 insured through a commercial line of insurance, and to sports utility
 55 vehicles that are classified as Class B personal property under section
 56 42-3-106 (1) (b). The applicant shall provide the department with the

1 proof of insurance certificate or insurance identification card provided to
 2 the applicant by the applicant's insurer pursuant to section 10-4-604.5,
 3 C.R.S., or provide proof of insurance in such other media as is authorized
 4 by the department. Nothing in this paragraph (c) shall be interpreted to
 5 preclude the department from electronically transmitting insurance
 6 information to designated agents pursuant to section 42-7-604 for the
 7 purpose of ensuring compliance with mandatory insurance requirements.

8
 9 (2) Upon applying for a registration card, the owner of a motor
 10 vehicle shall receive a written notice that shall be printed on the
 11 application for registration, in type that is larger than the other
 12 information contained on the application for registration. Such notice
 13 shall state that motor vehicle insurance or operator's coverage is
 14 compulsory in Colorado, that noncompliance is a misdemeanor traffic
 15 offense, that the minimum penalty for such offense is a
 16 one-hundred-dollar fine, and that the maximum penalty for such offense
 17 is one year's imprisonment and a one-thousand-dollar fine, and that such
 18 owner shall be required as a condition of obtaining a registration card to
 19 sign the affirmation clause that appears on such card. The clause shall
 20 state, "I swear or affirm in accordance with section 24-12-102, C.R.S.,
 21 under penalty of perjury that I now have in effect a complying policy of
 22 motor vehicle insurance including an operator's policy pursuant to ~~the~~
 23 ~~"Colorado Auto Accident Reparations Act"~~, part 7 6 of article 4 of title
 24 10, C.R.S., or a certificate of self-insurance to cover the vehicle or
 25 operator of the vehicle for which this registration is issued, and I
 26 understand that such insurance must be renewed so that coverage is
 27 continuous.
 28 Signature _____, Date ____."

29
 30 **SECTION 13.** 42-3-112 (2) and (3) (a), Colorado Revised
 31 Statutes, are amended to read:

32
 33 **42-3-112. Records of application and registration.** (2) The
 34 department, upon registering a vehicle, shall issue to the owner a
 35 registration card ~~which~~ THAT shall contain upon the face thereof the date
 36 issued, the registration number assigned to the owner and to the vehicle,
 37 the name and address of the owner, a notice, in type ~~which~~ THAT is larger
 38 than the other information contained on the registration card, that motor
 39 vehicle insurance coverage is compulsory in Colorado, that
 40 noncompliance is a misdemeanor traffic offense, that the minimum
 41 penalty for such offense is a one-hundred-dollar fine and that the
 42 maximum penalty for such offense is one year's imprisonment and a
 43 one-thousand-dollar fine, and that such owner shall be required upon
 44 receipt of the registration card to sign the affirmation clause on such card
 45 ~~which~~ THAT states "I swear or affirm under penalty of perjury that I now
 46 have in effect a complying policy of motor vehicle insurance pursuant to
 47 ~~the~~ "Colorado Auto Accident Reparations Act", part 7 6 of article 4 of
 48 title 10, C.R.S., or a certificate of self-insurance to cover the vehicle for
 49 which this registration is issued, and I understand that such insurance
 50 must be renewed so that coverage is continuous. Signature
 51 _____, Date _____", a description of the
 52 registered vehicle, including the identification number thereof, and, with
 53 reference to every new vehicle sold in this state after January 1, 1932, the
 54 date of sale by the manufacturer or dealer to the person first operating
 55 such vehicle, and such other statement of facts as may be determined by
 56 the department.

1 (3) (a) Any notice for renewal of registration shall include a
 2 notice, in type ~~which~~ THAT is larger than the other information contained
 3 in the notice, which specifies that motor vehicle insurance coverage is
 4 compulsory in Colorado, that noncompliance is a misdemeanor traffic
 5 offense, that the minimum penalty for such offense is a
 6 one-hundred-dollar fine and that the maximum penalty for such offense
 7 is one year's imprisonment and a one-thousand-dollar fine, and that such
 8 owner shall be required as a condition of obtaining a renewed registration
 9 card and upon receipt of the registration card to sign the affirmation
 10 clause on such card ~~which~~ THAT states "I swear or affirm under penalty
 11 of perjury that I now have in effect a complying policy of motor vehicle
 12 insurance pursuant to the ~~"Colorado Auto Accident Reparations Act"~~,
 13 part 7 6 of article 4 of title 10, C.R.S., or a certificate of self-insurance to
 14 cover the vehicle for which this registration is issued, and I understand
 15 that such insurance must be renewed so that coverage is continuous.
 16 Signature _____, Date _____."

17
 18 **SECTION 14.** 42-7-202 (5), Colorado Revised Statutes, is
 19 amended to read:

20
 21 **42-7-202. Report of accident required.** (5) Nothing in this
 22 section shall be deemed to affect the underwriting of insurance policies
 23 issued under the ~~"Colorado Auto Accident Reparations Act"~~, part 7 6 of
 24 article 4 of title 10, C.R.S.

25
 26 **SECTION 15.** 42-7-605 (1) (a), Colorado Revised Statutes, is
 27 amended to read:

28
 29 **42-7-605. Notice of lack of financial responsibility.** (1) If the
 30 comparison made pursuant to section 42-7-604 (6) (b) shows that a motor
 31 vehicle that has not been exempted under section 42-3-134 (1) (b) has not
 32 been insured for three consecutive months, the department of revenue
 33 shall direct the designated agent to notify the owner of the motor vehicle
 34 that said owner has forty-five days to provide the designated agent with
 35 one of the following, or said owner's registration will be subject to
 36 immediate administrative suspension after the expiration of said forty-five
 37 day period:

38
 39 (a) Proof of complying coverage in accordance with section
 40 ~~10-4-705~~ 10-4-616, C.R.S., or of self-insurance in accordance with
 41 section ~~10-4-716~~ 10-4-621, C.R.S.; or".

42
 43 Renumber succeeding sections accordingly.

44
 45 As amended, ordered engrossed and placed on the Calendar for Third
 46 Reading and Final Passage.

47
 48 **HB03-1210** by Representative(s) Madden; also Senator(s) Hillman--
 49 Concerning a list of delinquent state taxpayers that is
 50 made available on the internet.

51
 52 Amendment No. 1, Information & Technology Report, dated
 53 February 12, 2003, and placed in member's bill file; Report also printed
 54 in House Journal, February 13, page 655.

55

1 Amendment No. 2, Appropriations Report, dated April 4, 2003, and
2 placed in member's bill file; Report also printed in House Journal,
3 April 4, pages 1477-1478.

4

5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.

7

8 **HB03-1213** by Representative(s) Johnson R., Stengel; also Senator(s)
9 Dyer--Concerning the removal of commercial purpose
10 from the crime of sexual exploitation of a child.

11

12 Amendment No. 1, Appropriations Report, dated April 4, 2003, and
13 placed in member's bill file; Report also printed in House Journal,
14 April 4, pages 1478-1480.

15

16 Amendment No. 2, by Representative Johnson.

17

18 Amend the Appropriations Committee Report, dated April 4, 2003, page
19 1, strike lines 2 through 7.

20

21 Renumber succeeding sections accordingly.

22

23 Page 3, line 16, strike "H.B. 03-1212," and substitute "H.B. 03-1213,";

24

25 line 22, strike "H.B. 03-1212," and substitute "H.B. 03-1213,";

26

27 line 23, strike "ASSEMBLY;" and substitute "ASSEMBLY.";

28

29 after line 23, insert the following:

30

31 **"SECTION 4. Appropriation.** For implementation of this act,
32 appropriations made in the annual general appropriations act for the fiscal
33 year beginning July 1, 2003, shall be adjusted as follows: The general
34 fund appropriation to the department of corrections, institutions, utilities
35 subprogram, utilities, is decreased by sixty-nine thousand four hundred
36 sixty-seven dollars (\$69,467).";

37

38 line 26, strike "**THEREFORE.**" and substitute "**THEREFOR.**".

39

40 As amended, ordered engrossed and placed on the Calendar for Third
41 Reading and Final Passage.

42

43 **HB03-1317** by Representative(s) Fritz, Clapp, Fairbank, Jahn, Rhodes,
44 Rippy, Smith, Witwer; also Senator(s) Dyer--Concerning
45 limitations on the provision of materials used to illegally
46 manufacture a controlled substance, and making an
47 appropriation in connection therewith.

48

49 Amendment No. 1, Appropriations Report, dated April 3, 2003, and
50 placed in member's bill file; Report also printed in House Journal,
51 April 3, page 1442.

52

53 Amendment No. 2, by Representatives Fritz, Hoppe, Young, Brophy.

54

55 Amend printed bill, page 3, before line 3, insert the following:

56

1 "(d) It is the intent of the general assembly that nothing in this act
2 be construed to require a person who sells, distributes, or uses chemicals,
3 supplies, or equipment that is regulated by federal or state law to violate
4 any applicable federal or state regulation, standard, or requirement."
5

6 Amendment No. 3, by Representatives Fritz, Hoppe, Young, Brophy.
7

8 Amend printed bill, page 3, after line 23, insert the following:
9

10 "**SECTION 4.** 35-13-105, Colorado Revised Statutes, is amended
11 to read:
12

13 **35-13-105. Restriction of use of containers.** (1) No person,
14 firm, or corporation, other than the owner and those authorized by the
15 owner to do so, shall sell, fill, refill, deliver, or permit to be delivered, or
16 use in any manner any anhydrous ammonia container or receptacle for
17 any other purpose whatsoever.
18

19 (2) NO PERSON SHALL SELL, PURCHASE, ATTEMPT TO PURCHASE,
20 FILL, REFILL, DELIVER, OR PERMIT TO BE DELIVERED ANY ANHYDROUS
21 AMMONIA CONTAINER OR RECEPTACLE THAT HAS NOT BEEN INSPECTED IN
22 COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE AND THAT IS LESS
23 THAN FIVE HUNDRED GALLONS."
24

25 Renumber succeeding sections accordingly.
26

27 Page 1, line 102, strike "**SUBSTANCE, AND**" and substitute "**SUBSTANCE.**";
28
29 strike line 103.
30

31 As amended, ordered engrossed and placed on the Calendar for Third
32 Reading and Final Passage.
33

34 **HB03-1345** by Representative(s) Vigil; also Senator(s) Takis--
35 Concerning the concurrent legislative jurisdiction over the
36 real property constituting the Rocky Mountain arsenal.
37

38 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
39 April 15, 2003, and placed in member's bill file; Report also printed in
40 House Journal, April 15, pages 1663-1664.
41

42 As amended, ordered engrossed and placed on the Calendar for Third
43 Reading and Final Passage.
44

45 **HCR03-1003** by Representative(s) Fairbank, Harvey, Schultheis,
46 Williams T., Lee, Brophy, Cadman, Clapp, Cloer, Crane,
47 Fritz, King, Mitchell, Rhodes, Spence, Stafford--
48 Submitting to the registered electors of the state of
49 Colorado an amendment to article IX of the constitution of
50 the state of Colorado, concerning the repeal of section 7
51 regarding the prohibition against the use of public assets
52 for sectarian educational purposes.
53

54 Laid over until May 8. The resolution was deemed lost.
55

1 **HB03-1339** by Representative(s) Harvey; also Senator(s) McElhany--
2 Concerning the funding of real estate commission
3 programs relating to the conduct of real estate licensees.
4

5 (Previously amended as printed in House Journal, April 3, page 1444.)
6

7 Amendment No. 2, Finance Report, dated April 9, 2003, and placed in
8 member's bill file; Report also printed in House Journal, April 9,
9 page 1535.

10
11 As amended, ordered engrossed and placed on the Calendar for Third
12 Reading and Final Passage.

13
14 **HB03-1323** by Representative(s) Mitchell--Concerning the
15 coordination of the permitting by all levels of government
16 of natural resource development projects.
17

18 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
19 dated April 3, 2003, and placed in member's bill file; Report also printed
20 in House Journal, April 4, pages 1465-1466.
21

22 As amended, ordered engrossed and placed on the Calendar for Third
23 Reading and Final Passage.

24
25 **HB03-1316** by Representative(s) Spradley; also Senator(s) Arnold--
26 Concerning modifications to the compensation process for
27 state employees.
28

29 Amendment No. 1, Appropriations Report, dated April 11, 2003, and
30 placed in member's bill file; Report also printed in House Journal,
31 April 11, pages 1591-1595.
32

33 As amended, ordered engrossed and placed on the Calendar for Third
34 Reading and Final Passage.
35

36 On motion of Representative King, the remainder of the Special Orders
37 Calendar (**HB03-1178, 1105, SB03-051, HB03-1342**) was laid over until
38 April 21, retaining place on Calendar.
39

40
41
42 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**
43

44 Passed Second Reading: **HB03-1123 amended, 1188 amended,**
45 **1210 amended, 1213 amended, 1317 amended, 1345 amended,**
46 **1339 amended, 1323 amended, 1316 amended.**
47

48 Laid over until date indicated retaining place on Calendar:
49 **HB03-1178, 1105, SB03-051, HB03-1342**--April 21, 2003.
50 **HCR03-1003**--May 8, 2003.
51

52 The Chairman moved the adoption of the Committee of the Whole
53 Report. As shown by the following roll call vote, a majority of those
54 elected to the House voted in the affirmative, and the Report was
55 **adopted.**
56

	YES	60	NO	00	EXCUSED	05	ABSENT	00
1								
2	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
3	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
4	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
5	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
7	Butcher	E	Hodge	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	E
9	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
10	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
11	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
12	Cloer	Y	King	Y	Rhodes	Y	White	Y
13	Coleman	Y	Larson	E	Rippy	Y	Wiens	Y
14	Crane	Y	Lee	E	Romanoff	Y	Williams S.	Y
15	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
18							Speaker	Y

APPOINTMENTS TO CONFERENCE COMMITTEES

The Speaker appointed Representatives Stengel, Chairman, Frangas and Sinclair as House conferees to the First Conference Committee on **HB03-1147**.

Pursuant to a request from the Senate, the Speaker appointed House conferees to the First Conference Committees as follows:

SB03-126--Representatives McCluskey, Chairman, Smith, Miller
SB03-248--Representatives King, Chairman, Spence, Jahn

House in recess. House reconvened.

REPORTS OF COMMITTEES OF REFERENCE

BUSINESS AFFAIRS & LABOR

After consideration on the merits, the Committee recommends the following:

HB03-1347 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, after line 17, insert the following:

"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the employment support fund created in section 8-77-109, Colorado Revised Statutes, not otherwise appropriated, to the department of labor and employment, for allocation to the division of labor, for the fiscal year beginning July 1, 2003, the sum of eight hundred fifteen thousand two

1 hundred thirty-three dollars (\$815,233) and 13.5 FTE, or so much thereof
2 as may be necessary, for the implementation of this act."
3

4 Renumber succeeding section accordingly.
5

6 Page 1, line 102, strike "EMPLOYMENT." and substitute "EMPLOYMENT,
7 AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."
8
9

10
11 **HB03-1348** be referred to the Committee of the Whole with favorable
12 recommendation.
13

14
15 **HB03-1349** be referred to the Committee of the Whole with favorable
16 recommendation.
17

18
19 **SB03-078** be amended as follows, and as so amended, be referred to
20 the Committee on Appropriations with favorable
21 recommendation:
22

23 Amend reengrossed bill, strike everything below the enacting clause and
24 substitute the following:
25

26 "SECTION 1. 10-4-702, Colorado Revised Statutes, is amended
27 to read:
28

29 **10-4-702. Legislative declaration.** (1) The general assembly
30 declares that its purpose in enacting this part 7 is to ~~avoid inadequate~~
31 ~~compensation to victims of automobile accidents; to require registrants~~
32 ~~of motor vehicles in this state to procure insurance covering legal liability~~
33 ~~arising out of ownership or use of such vehicles and also providing~~
34 ~~benefits to persons occupying such vehicles and to persons injured in~~
35 ~~accidents involving such vehicles~~ REQUIRE REASONABLE AND
36 AFFORDABLE MOTOR VEHICLE INSURANCE IN THIS STATE, WHILE
37 BALANCING PREMIUM COSTS AGAINST THE BENEFITS PROVIDED.
38

39 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT, AS A
40 RESULT OF INCREASING COST AND RESULTING LACK OF AFFORDABILITY,
41 SIGNIFICANT REFORMS OF COLORADO MOTOR VEHICLE INSURANCE ARE
42 NECESSARY. IT IS THE INTENT OF THE GENERAL ASSEMBLY TO RETAIN
43 COMPULSORY MOTOR VEHICLE INSURANCE WHERE BENEFITS ARE
44 OBTAINED WITHOUT REGARD TO THE FAULT OF THE DRIVER (NO-FAULT) IN
45 COLORADO, WHILE MAKING IT MORE AFFORDABLE. THE GENERAL
46 ASSEMBLY FINDS THAT NO-FAULT INSURANCE WILL BE MORE AFFORDABLE
47 IF AVAILABLE SERVICES ARE BASED ON A STANDARD OF MEDICAL
48 NECESSITY FOR CARE AND TREATMENT. THE PURPOSE OF IMPLEMENTING
49 A MEDICAL NECESSITY STANDARD IS TO ASSURE APPROPRIATE TREATMENT
50 IS PROVIDED WHILE AFFORDING AUTO ACCIDENT VICTIMS ACCESS TO
51 SERVICES NEEDED TO ACHIEVE APPROPRIATE MEDICAL IMPROVEMENT.
52 FURTHER, AN INSURED MAY ELECT A COST-CONTAINMENT OPTION
53 THROUGH A MANAGED CARE ARRANGEMENT, WHICH WOULD ASSISTING IN
54 CONTROLLING THE ESCALATING PREMIUMS RELATED TO MEDICAL AND
55 REHABILITATION BENEFITS. CONSUMERS ARE OFFERED ADDITIONAL
56 COST-CONTAINMENT OPTIONS ALLOWING THE CONSUMER TO CONTROL

1 COSTS TO THE GREATEST EXTENT PRACTICAL FOR EACH INDIVIDUAL.
 2 UNNECESSARY LITIGATION WILL ALSO BE REDUCED BY THE ENACTMENT OF
 3 THESE REFORMS, WHICH STRENGTHENS THE ORIGINAL INTENT OF NO-FAULT
 4 INSURANCE LAW.

5
 6 **SECTION 2.** 10-4-703 (1), (2.5), and (6), Colorado Revised
 7 Statutes, are amended, and the said 10-4-703 is further amended BY THE
 8 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

9
 10 **10-4-703. Definitions.** As used in this part 7, unless the context
 11 otherwise requires:

12
 13 (1) ~~"Commissioner" means the commissioner of insurance~~
 14 "ACCIDENT" MEANS, IN CONNECTION WITH THE USE OF A MOTOR VEHICLE,
 15 AN EVENT THAT RESULTS FROM THE OPERATION OR USE OF A MOTOR
 16 VEHICLE AS TRANSPORTATION, THAT CAUSES BODILY INJURY OR PROPERTY
 17 DAMAGE, AND THAT IS UNFORESEEN, UNPLANNED, OR UNINTENDED FROM
 18 THE POINT OF VIEW OF THE PERSON WHO SUSTAINS SUCH INJURY OR
 19 PROPERTY DAMAGE.

20
 21 (1.3) (a) "BODILY INJURY" MEANS BODILY AND PHYSICAL INJURY,
 22 INCLUDING OBJECTIVELY VERIFIABLE TRAUMATIC BRAIN INJURY, TO AN
 23 ELIGIBLE INJURED PERSON AND SICKNESS, DISEASE, OR DEATH THAT
 24 RESULTS FROM THE BODILY INJURY.

25
 26 (b) "BODILY INJURY" SHALL BE PRESUMED TO INCLUDE MENTAL OR
 27 EMOTIONAL CONDITIONS ONLY IF SUCH CONDITIONS RESULT FROM
 28 IMMEDIATELY LIFE- OR LIMB-THREATENING INJURIES TO THE INSURED OR
 29 OTHERS IN THE MOTOR VEHICLE ACCIDENT, OR DEATH OF ANOTHER PERSON
 30 IN OR AS A RESULT OF THE MOTOR VEHICLE ACCIDENT.

31
 32 (1.5) "COMMISSIONER" MEANS THE COMMISSIONER OF INSURANCE.

33
 34 (2.5) "Converter" means a person other than a named insured,
 35 RESIDENT SPOUSE, or resident relative who operates or uses a motor
 36 vehicle ~~in a manner that a reasonable person would determine was~~
 37 ~~unauthorized or beyond the scope of permission given by a named~~
 38 ~~insured or resident relative. In determining whether a person is a~~
 39 ~~converter, the following factors should be considered:~~ WITHOUT THE
 40 EXPRESS PERMISSION OF THE NAMED INSURED OR RESIDENT SPOUSE OR, IF
 41 EXPRESS PERMISSION WAS GRANTED AND IF SUCH PERMISSION INCLUDED
 42 LIMITATIONS OF USE OR PERMISSION FOR ONLY ONE OR MORE SPECIFIC
 43 PURPOSES, BEYOND THE SCOPE OF SUCH EXPRESS PERMISSION.

44
 45 (a) ~~The duration of the person's control over the vehicle;~~

46
 47 (b) ~~The circumstances surrounding the conduct of the person~~
 48 ~~operating or using the motor vehicle;~~

49
 50 (c) ~~The person's good faith.~~

51
 52 (5.5) "ELIGIBLE INJURED PERSON" MEANS A PERSON WITHIN ANY
 53 OF THE CATEGORIES OF PERSONS DESCRIBED IN SECTION 10-4-707 (1) AND
 54 ANY ELIGIBLE PEDESTRIAN.

55
 56 (5.7) "EXPEDITED REVIEW" MEANS EITHER AN INTERNAL REVIEW,

1 PURSUANT TO SECTION 10-4-725.2, OR EXTERNAL REVIEW, PURSUANT TO
2 SECTION 10-4-725.3, OF AN ADVERSE DETERMINATION IN A SITUATION IN
3 WHICH ADHERENCE TO THE TIME PERIODS SPECIFIED FOR THE STANDARD
4 INTERNAL OR EXTERNAL REVIEW PROCEDURES WOULD SERIOUSLY
5 JEOPARDIZE THE LIFE OR HEALTH OF THE INSURED OR WOULD JEOPARDIZE
6 THE INSURED'S ABILITY TO ATTAIN MAXIMUM MEDICAL IMPROVEMENT.
7

8 (6) "Insured" means the named insured, RESIDENT SPOUSE,
9 relatives of the named insured who reside in the same household as the
10 named insured, or any person using the described motor vehicle with the
11 permission of the named insured. "INSURED" ALSO MEANS AN ENROLLEE
12 IN A MANAGED CARE PLAN ISSUED PURSUANT TO SECTION 10-4-706.6 AND
13 DOES NOT MEAN A SELF-INSURED PURSUANT TO SECTION 10-4-716.
14

15 (6.5) "INSURER" SHALL HAVE THE SAME MEANING AS IN SECTION
16 10-1-102 (8), INCLUDING, BUT NOT LIMITED TO, A MANAGED CARE PLAN AS
17 DEFINED IN SECTION 10-16-102 (26.5) AND DOES NOT MEAN A
18 SELF-INSURED ENTITY PURSUANT TO SECTION 10-4-716.
19

20 (6.7) (a) "MAXIMUM MEDICAL IMPROVEMENT" MEANS A POINT IN
21 TIME WHEN ANY MEDICALLY DETERMINABLE PHYSICAL OR MENTAL
22 IMPAIRMENT AS A RESULT OF INJURY HAS BECOME STABLE AND WHEN NO
23 FURTHER TREATMENT IS REASONABLY EXPECTED TO IMPROVE THE
24 CONDITION. THE POSSIBILITY OF IMPROVEMENT OR DETERIORATION
25 RESULTING FROM THE PASSAGE OF TIME ALONE SHALL NOT AFFECT A
26 FINDING OF MAXIMUM MEDICAL IMPROVEMENT.
27

28 (b) "MAXIMUM MEDICAL IMPROVEMENT" SHALL NOT REQUIRE
29 FUTURE MEDICAL MAINTENANCE IF SUCH MAINTENANCE WILL NOT:
30

31 (I) SIGNIFICANTLY IMPROVE THE CONDITION;
32

33 (II) AFFECT THE POSSIBILITY OF IMPROVEMENT RESULTING FROM
34 THE PASSAGE OF TIME; OR
35

36 (III) AFFECT THE POSSIBILITY OF DETERIORATION RESULTING FROM
37 THE PASSAGE OF TIME.
38

39 (7.5) "MOTOR VEHICLE ACCIDENT" SHALL HAVE THE SAME
40 MEANING AS "ACCIDENT" IN SUBSECTION (1) OF THIS SECTION.
41

42 (13) "USE OF A MOTOR VEHICLE AS TRANSPORTATION" MEANS
43 CONVENTIONAL ACTIVITIES ASSOCIATED WITH THE USE OF A MOTOR
44 VEHICLE, ROADSIDE MOTOR VEHICLE REPAIRS, OR DRIVING THE MOTOR
45 VEHICLE. "USE OF A MOTOR VEHICLE AS TRANSPORTATION" DOES NOT
46 INCLUDE USE OF A MOTOR VEHICLE IN CONJUNCTION WITH UNLAWFUL OR
47 CRIMINAL CONDUCT OTHER THAN THE VIOLATIONS OF THE REGULATION OF
48 VEHICLES AND TRAFFIC PURSUANT TO ARTICLE 4 OF TITLE 42, C.R.S.
49

50 **SECTION 3.** 10-4-705 (2), Colorado Revised Statutes, is
51 amended to read:
52

53 **10-4-705. Coverage compulsory.** (2) ON AND AFTER JANUARY
54 1, 2004, any owner of a motor vehicle who operates the motor vehicle on
55 the public highways of this state or who knowingly permits the operation
56 of the motor vehicle on the public highways of this state who fails to have

1 in full force and effect a complying policy covering said motor vehicle at
 2 the time of any accident, on account of which benefits under section
 3 10-4-706 (1)(b) to (1)(e) or alternatively, as applicable, section 10-4-706
 4 (2) or (3) OR 10-4-706.1 would be payable, shall be personally liable for
 5 the payment of such benefits to the person for whom such payment would
 6 have been required, if such coverage had been in effect under the terms
 7 of section 10-4-707. Such an owner shall have all of the rights and
 8 obligations of any insurer under this part 7.

9
 10 **SECTION 4.** 10-4-706, Colorado Revised Statutes, is
 11 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

12
 13 **10-4-706. Required coverages.** (1) ON AND AFTER JANUARY 1,
 14 2004, SUBJECT TO THE LIMITATIONS AND EXCLUSIONS AUTHORIZED BY THIS
 15 PART 7, THE COVERAGES REQUIRED FOR COMPLIANCE WITH THIS PART 7
 16 ARE AS FOLLOWS:

17
 18 (a) **Legal liability.** LEGAL LIABILITY COVERAGE FOR BODILY
 19 INJURY OR DEATH ARISING OUT OF THE USE OF THE MOTOR VEHICLE AS
 20 TRANSPORTATION TO A LIMIT, EXCLUSIVE OF INTEREST AND COSTS, OF
 21 TWENTY-FIVE THOUSAND DOLLARS TO ANY ONE PERSON IN ANY ONE
 22 ACCIDENT AND FIFTY THOUSAND DOLLARS TO ALL PERSONS IN ANY ONE
 23 ACCIDENT AND FOR PROPERTY DAMAGE ARISING OUT OF THE USE OF THE
 24 MOTOR VEHICLE AS TRANSPORTATION TO A LIMIT, EXCLUSIVE OF INTEREST
 25 AND COSTS, OF FIFTEEN THOUSAND DOLLARS IN ANY ONE ACCIDENT;

26
 27 (b) **Medical care and treatment.** COMPENSATION WITHOUT
 28 REGARD TO FAULT FOR PAYMENT OF ALL REASONABLE CHARGES FOR
 29 MEDICALLY NECESSARY CARE AND TREATMENT PERFORMED WITHIN THREE
 30 YEARS AFTER THE MOTOR VEHICLE ACCIDENT FOR BODILY INJURY ARISING
 31 OUT OF THE ACCIDENT WITHIN THE POLICY AMOUNT ELECTED BY THE
 32 APPLICANT OR POLICYHOLDER;

33
 34 (c) **Rehabilitation.** (I) COMPENSATION WITHOUT REGARD TO
 35 FAULT FOR PAYMENT OF THE COST OF ALL REASONABLE CHARGES FOR
 36 MEDICALLY NECESSARY REHABILITATION PROCEDURES OR TREATMENT
 37 AND REHABILITATIVE OCCUPATIONAL THERAPY NECESSARY WITHIN FIVE
 38 YEARS AFTER THE MOTOR VEHICLE ACCIDENT WITHIN THE POLICY AMOUNT
 39 ELECTED BY THE APPLICANT OR POLICYHOLDER.

40
 41 (II) EXCEPT AS PROVIDED IN A MANAGED CARE ARRANGEMENT
 42 PURSUANT TO SECTION 10-4-706.6, REHABILITATIVE PROCEDURES,
 43 TREATMENT, OR COURSE OF REHABILITATION SHALL MEET THE FOLLOWING
 44 STANDARDS:

45
 46 (A) ANY REHABILITATIVE PROCEDURE OR TREATMENT SHALL BE
 47 REASONABLY DESIGNED TO CONTRIBUTE SUBSTANTIALLY TO
 48 REHABILITATION, AND THE COST OF ANY PROCEDURE OR TREATMENT
 49 SHALL BE REASONABLE IN RELATION TO ITS PROBABLE REHABILITATIVE
 50 EFFECTS.

51
 52 (B) REHABILITATIVE TREATMENT AND PROCEDURES SHALL BE
 53 REASONABLY DESIGNED TO LEAD AN INJURED PERSON TO THE ATTAINMENT
 54 OF THE PERSON'S MAXIMUM MEDICAL IMPROVEMENT UNDER THE
 55 CIRCUMSTANCES RESULTING FROM THE INJURIES SUSTAINED IN THE MOTOR
 56 VEHICLE ACCIDENT. THE PURPOSE OF REHABILITATION SHALL BE THE

1 PHYSICAL RESTORATION OF AN INJURED PERSON TO ACTIVITIES OF DAILY
2 LIVING THROUGH THERAPY, AS DISTINGUISHED FROM MEDICAL
3 TREATMENT, WHICH IS TREATMENT FOR THE PHYSICAL INJURY ITSELF.

4
5 (d) THE AMOUNT OF COVERAGE IN PARAGRAPH (c) OF THIS
6 SUBSECTION (1) SHALL BE AVAILABLE, UPON THE DIRECTION OF THE
7 INSURED, FOR TREATMENT PERFORMED WITHIN THREE YEARS AFTER THE
8 MOTOR VEHICLE ACCIDENT PURSUANT TO PARAGRAPH (b) OF THIS
9 SUBSECTION (1). THE COVERAGE IN PARAGRAPH (b) OF THIS SUBSECTION
10 (1) SHALL NOT BE AVAILABLE FOR TREATMENT PURSUANT TO PARAGRAPH
11 (c) OF THIS SUBSECTION (1).

12
13 (2) **Maximum medical improvement.** WHEN A PERSON ENTITLED
14 TO BENEFITS PURSUANT TO THIS SECTION REACHES MAXIMUM MEDICAL
15 IMPROVEMENT AS DETERMINED BY THE PERSON'S HEALTH CARE PROVIDER
16 OR A PHYSICIAN DESIGNATED BY THE HEALTH CARE PROVIDER, THE
17 COVERAGE AVAILABLE PURSUANT TO SUBSECTION (1) OF THIS SECTION
18 SHALL ONLY COVER BENEFITS TO PROVIDE SUCH TREATMENT AS IS
19 MEDICALLY NECESSARY TO PREVENT THE DETERIORATION OF THE PERSON'S
20 CONDITION, SUBJECT TO THE LIMITS PRESCRIBED IN THIS SECTION. THE
21 TREATMENT NECESSARY TO OBTAIN MAXIMUM MEDICAL IMPROVEMENT
22 SHALL BE SET FORTH IN WRITING BY THE PRIMARY HEALTH CARE PROVIDER
23 AND SHALL BE SUBJECT TO INTERNAL AND EXTERNAL REVIEW PROCEDURES
24 PURSUANT TO SECTIONS 10-4-725.2 AND 10-4-725.3.

25
26 (3) **Underwriting adjustments.** THE COMMISSIONER MAY ADOPT
27 A RULE THAT ADDRESSES AN UNDERWRITING ADJUSTMENT FOR APPLICANTS
28 AND POLICYHOLDERS WHO LIVE IN AREAS OF THE STATE WHERE ACCESS TO
29 HEALTH CARE PROVIDERS IS INADEQUATE SO AS TO PRECLUDE THE
30 APPLICANT'S OR POLICYHOLDER'S ABILITY TO CHOOSE A MANAGED CARE
31 COST-CONTAINMENT OPTION PURSUANT TO SECTION 10-4-706.6. THE RULE
32 SHALL CONTEMPLATE THAT INSURERS MAY APPLY OTHER REASONABLE
33 FILED CRITERIA TO SET RATES FOR INDIVIDUAL INSUREDS.

34
35 (4) **Medical necessity.** "MEDICAL NECESSITY" OR "MEDICALLY
36 NECESSARY", IN REFERENCE TO THE PAYMENT OF EXPENSES OF MEDICAL
37 CARE, TREATMENT, OR SERVICES:

38
39 (a) MEANS AND INCLUDES THE PROVISION OF CARE AND
40 TREATMENT BY A LICENSED, CERTIFIED, OR REGISTERED HEALTH CARE
41 PROVIDER PURSUANT TO THE HEALTH CARE PROVIDER'S PROFESSIONAL
42 STANDARDS, GUIDELINES, OR PROTOCOLS AND SUBJECT TO INTERNAL AND
43 EXTERNAL REVIEW PROCEDURES PURSUANT TO SECTIONS 10-4-725.2 AND
44 10-4-725.3; AND

45
46 (b) DOES NOT INCLUDE EXPENSES THAT ARE FOR:

47
48 (I) EXPERIMENTAL OR INVESTIGATIONAL TREATMENTS OR
49 SERVICES THAT ARE NOT COMMONLY AND CUSTOMARILY RECOGNIZED
50 THROUGH THE MEDICAL PROFESSION AND WITHIN THE UNITED STATES AS
51 APPROPRIATE FOR THE TREATMENT OF BODILY INJURY;

52
53 (II) RESEARCH TREATMENT THAT IS PROVIDED AS PART OF A
54 CLINICAL RESEARCH PROTOCOL OR CLINICAL TRIAL THAT IS INTENDED TO
55 EVALUATE THE SAFETY, TOXICITY, OR EFFICACY OF A DRUG OR
56 TREATMENT;

1 (III) TREATMENTS OR SERVICES THAT ARE NOT PRIMARILY
2 DESIGNED TO SERVE A MEDICAL PURPOSE, THAT ARE NOT PRIMARILY
3 PALLIATIVE IN NATURE, NOR COMMONLY AND CUSTOMARILY RECOGNIZED
4 THROUGH THE HEALTH CARE PROFESSION AND WITHIN THE UNITED STATES
5 AS APPROPRIATE FOR THE TREATMENT OF BODILY INJURY;

6
7 (IV) THERMOGRAPHY OR OTHER RELATED PROCEDURES; OR

8
9 (V) THE PURCHASE OR RENTAL OF ITEMS THAT ARE NOT PRIMARILY
10 DESIGNED AS DURABLE MEDICAL EQUIPMENT TO SERVE A SPECIFIC
11 MEDICAL PURPOSE.

12
13 **SECTION 5.** Part 7 of article 4 of title 10, Colorado Revised
14 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
15 SECTIONS to read:

16
17 **10-4-706.1. Income-based personal injury protection policy -**
18 **qualifications.** (1) ON AND AFTER JANUARY 1, 2004, NOTWITHSTANDING
19 ANY PROVISION OF THIS SECTION TO THE CONTRARY, AN INSURER SHALL
20 OFFER TO PERSONS QUALIFIED PURSUANT TO SUBSECTION (3) OF THIS
21 SECTION AN INCOME-BASED PERSONAL INJURY PROTECTION POLICY FOR
22 COMPLIANCE WITH THIS PART 7. INCOME-BASED PERSONAL INJURY
23 PROTECTION COVERAGE MAY BE OFFERED THROUGH A MANAGED CARE
24 ARRANGEMENT PURSUANT TO SECTION 10-4-706.6. ACCEPTANCE OF A
25 POLICY OFFERED PURSUANT TO THIS SECTION SHALL BE VOLUNTARY AND
26 SHALL BE SUBJECT TO ALL REQUIREMENTS OF THIS SECTION.

27
28 (2) A PERSON QUALIFIED PURSUANT TO SUBSECTION (3) OF THIS
29 SECTION MAY PURCHASE COVERAGE FOR COMPENSATION WITHOUT
30 REGARD TO FAULT, UP TO A LIMIT OF TWENTY-FIVE THOUSAND DOLLARS
31 PER PERSON FOR ANY ONE MOTOR VEHICLE ACCIDENT, FOR PAYMENT OF
32 ALL MEDICALLY NECESSARY CARE AND TREATMENT PERFORMED WITHIN
33 THREE YEARS AFTER A MOTOR VEHICLE ACCIDENT FOR BODILY INJURY
34 ARISING OUT OF THE MOTOR VEHICLE ACCIDENT.

35
36 (3) (a) TO QUALIFY FOR AN INCOME-BASED PERSONAL INJURY
37 PROTECTION POLICY, THE COMBINED ANNUAL GROSS INCOME OF A PERSON
38 APPLYING FOR SUCH A POLICY AND SUCH PERSON'S RESIDENT SPOUSE, IF
39 ANY, SHALL NOT EXCEED ONE HUNDRED EIGHTY-FIVE PERCENT OF THE
40 FEDERAL POVERTY LEVEL FOR A FAMILY OF FOUR, ADJUSTED UPWARD FOR
41 FAMILY SIZE.

42
43 (b) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE COMMISSIONER
44 SHALL PRESCRIBE INCOME PROTOCOLS FOR DETERMINING ELIGIBILITY FOR
45 AN INCOME-BASED PERSONAL INJURY PROTECTION POLICY BASED UPON
46 THE APPLICABLE FAMILY SIZE INCOME LEVELS CONTAINED IN THE
47 NONFARM INCOME POVERTY PROTOCOLS PRESCRIBED BY THE FEDERAL
48 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

49
50 (c) INCOME VERIFICATION FOR AN INCOME-BASED PERSONAL
51 INJURY PROTECTION POLICY SHALL BE THROUGH WRITTEN EVIDENCE FROM
52 THE PERSON SEEKING TO QUALIFY FOR A POLICY ISSUED PURSUANT TO THIS
53 SECTION OF THE ANNUAL GROSS INCOME OF SUCH PERSON AND SUCH
54 PERSON'S RESIDENT SPOUSE FOR THE MOST RECENT TAX YEAR AVAILABLE.
55 SUCH EVIDENCE SHALL BE CONTAINED IN A DOCUMENT ACCEPTABLE TO
56 THE INSURER. FOR PERSONS QUALIFIED PURSUANT TO THIS SUBSECTION

1 (3), EVERY THIRD YEAR FOLLOWING THE DATE UPON WHICH THE POLICY IS
2 ISSUED, THE INSURER SHALL INFORM THE INSURED OF THE INCOME
3 REQUIREMENT ASSOCIATED WITH SUCH POLICY AND MAY REQUEST THE
4 INSURED TO EITHER PROVIDE INCOME VERIFICATION TO THE INSURER OR
5 OPT OUT OF THE INCOME-BASED PERSONAL INJURY PROTECTION COVERAGE
6 IF THE INSURED NO LONGER QUALIFIES.

7
8 (4) (a) THE INCOME-BASED PERSONAL INJURY PROTECTION POLICY
9 SHALL APPLY ONLY TO THE NAMED INSURED, RESIDENT SPOUSE, AND
10 RESIDENT CHILDREN. FOR PURPOSES OF THIS SECTION, A CHILD IS A
11 RESIDENT IF SUCH CHILD QUALIFIES AS A DEPENDENT OF THE NAMED
12 INSURED UNDER THE FEDERAL "INTERNAL REVENUE CODE OF 1986", 26
13 U.S.C. SEC. 151 (c).

14
15 (b) ANY PERSON INJURED IN AN ACCIDENT, OTHER THAN THOSE
16 PERSONS WHOSE COVERAGE IS SPECIFICALLY LIMITED TO INCOME-BASED
17 PERSONAL INJURY PROTECTION PURSUANT TO PARAGRAPH (a) OF THIS
18 SUBSECTION (4), SHALL, IF EXPENSES INCURRED BY SUCH INJURED PERSON
19 EXCEED THE LIMITS OF SUCH INCOME-BASED PERSONAL INJURY
20 PROTECTION POLICY, RECEIVE COVERAGE FOR SUCH EXPENSES OF NOT LESS
21 THAN THE FULL COVERAGE DIRECT ACCESS COVERAGE POLICY PURSUANT
22 TO SECTION 10-4-706.6 (1) (a).

23
24 (5) A PERSON WHO QUALIFIES FOR AND OPTS FOR AN
25 INCOME-BASED PERSONAL INJURY PROTECTION POLICY PURSUANT TO THIS
26 SECTION SHALL BE DEEMED IN VIOLATION OF THIS PART 7 IF SUCH PERSON
27 DOES NOT OBTAIN A POLICY PROVIDING LEGAL LIABILITY COVERAGE AS
28 SPECIFIED IN SECTION 10-4-706 (1) (a).

29
30 **10-4-706.2. Care and treatment for persons under thirteen**
31 **years of age.** (1) ON AND AFTER JANUARY 1, 2004, ANY PERSON WHO IS
32 ENTITLED TO COVERAGE UNDER SECTION 10-4-706, 10-4-706.1,
33 10-4-706.4, OR 10-4-706.6 AND IS LESS THAN THIRTEEN YEARS OF AGE
34 WHEN THE MOTOR VEHICLE ACCIDENT NECESSITATING SUCH BENEFITS
35 OCCURS SHALL BE SUBJECT TO THE PROVISIONS OF THIS SECTION. THE
36 PROVISIONS OF THIS SECTION APPLY TO BODILY INJURY SUSTAINED IN A
37 MOTOR VEHICLE ACCIDENT ON OR AFTER JANUARY 1, 2004.

38
39 (2) WITHIN THREE YEARS AFTER THE DATE OF THE ACCIDENT, A
40 PHYSICIAN MAY RENDER A WRITTEN OPINION, BASED ON A REASONABLE
41 DEGREE OF MEDICAL PROBABILITY AND SUPPORTED BY DETAILED AND
42 DESCRIPTIVE OBJECTIVE EVIDENCE, THAT A MEDICALLY NECESSARY
43 SURGERY OR RECONSTRUCTIVE PROCEDURE CANNOT BE PROVIDED TO THE
44 CLAIMANT WITHIN THREE YEARS AFTER THE DATE OF THE ACCIDENT
45 BECAUSE OF SUCH PERSON'S STATUS OF JUVENILE GROWTH AND LACK OF
46 PHYSICAL MATURITY. IF SUCH OPINION IS RENDERED, BENEFITS SHALL BE
47 PAID IN THE FUTURE WHEN EXPENSES ARE INCURRED FOR SUCH SURGERY
48 OR RECONSTRUCTIVE PROCEDURE, UNLESS A DETERMINATION IS MADE
49 UNDER THIS SECTION BEFORE SUCH SURGERY OR RECONSTRUCTIVE
50 PROCEDURE OCCURS THAT IT IS NO LONGER MEDICALLY NECESSARY OR
51 THAT THE NEED FOR SUCH SURGERY OR RECONSTRUCTIVE PROCEDURE WAS
52 NOT CAUSED BY THE MOTOR VEHICLE ACCIDENT. ANY BENEFITS PAYMENT
53 FOR A MEDICALLY NECESSARY SURGERY OR RECONSTRUCTIVE PROCEDURE
54 THAT AROSE OUT OF A MOTOR VEHICLE ACCIDENT SHALL BE SUBJECT TO
55 THE LIMITS OF COVERAGE IN FORCE AT THE TIME OF SUCH ACCIDENT. SUCH
56 TREATMENT AND EXPENSES SHALL BE COMPENSATED AS IF THEY WERE

1 PERFORMED WITHIN THREE YEARS AFTER THE ACCIDENT IF THEY ARE
2 ACTUALLY INCURRED BEFORE THE CLAIMANT ATTAINS EIGHTEEN YEARS OF
3 AGE. THIS SECTION APPLIES ONLY TO SURGERY OR RECONSTRUCTIVE
4 PROCEDURES OCCURRING THREE YEARS OR MORE AFTER A MOTOR VEHICLE
5 ACCIDENT, INCLUDING EXPENSES FOR MEDICAL, HOSPITAL, AND NURSING
6 SERVICES AND DIAGNOSTIC PROCEDURES SPECIFICALLY RELATED THERETO.

7
8 (3) NO LATER THAN NINETY DAYS BEFORE A FUTURE SURGERY OR
9 RECONSTRUCTIVE PROCEDURE IS SCHEDULED TO OCCUR, THE CLAIMANT OR
10 HIS OR HER REPRESENTATIVE OR THE PROVIDER WHO INTENDS TO PERFORM
11 THE SURGERY OR RECONSTRUCTIVE PROCEDURE SHALL NOTIFY THE
12 INSURER IN WRITING OF THE SURGERY OR RECONSTRUCTIVE PROCEDURE.
13 SUCH WRITTEN NOTICE SHALL INCLUDE THE DATE OF THE MOTOR VEHICLE
14 ACCIDENT, THE CLAIM NUMBER, IF ANY WAS ASSIGNED BY THE INSURER, A
15 DESCRIPTION OF THE PROPOSED TREATMENT, THE DIAGNOSIS OR
16 PROGNOSIS, THE DATE THE TREATMENT IS SCHEDULED TO BEGIN, AND THE
17 NAME, ADDRESS, TELEPHONE NUMBER, AND SPECIALTY OF THE PROVIDER.
18 THE INSURER MAY REQUEST AN EXTERNAL REVIEW BE CONDUCTED
19 PURSUANT TO SECTION 10-4-725.3 TO DETERMINE IF SUCH SURGERY OR
20 RECONSTRUCTIVE PROCEDURE IS MEDICALLY NECESSARY AND AROSE OUT
21 OF THE USE AND OPERATION OF A MOTOR VEHICLE.

22
23 (4) ANY FUTURE SURGERY OR RECONSTRUCTIVE PROCEDURE THAT
24 IS PAID ON BEHALF OF A CLAIMANT UNDER THIS SECTION SHALL BE IN
25 ADDITION TO ANY MEDICAL BENEFITS PAID FOR TREATMENT AND EXPENSES
26 INCURRED WITHIN THREE YEARS AFTER THE ACCIDENT, SUBJECT TO
27 APPLICABLE COVERAGE LIMITS IN FORCE AT THE TIME OF THE ACCIDENT.

28
29 (5) THE TREATING PROVIDER SHALL MAINTAIN THE ORIGINALS OF
30 ALL MEDICAL REPORTS, OFFICE NOTES, TESTS, X RAYS, DIAGNOSTIC
31 STUDIES, AND ALL OTHER RECORDS OF ANY KIND IN SUCH PROVIDER'S FILE
32 UNTIL THE CLAIMANT IS EIGHTEEN YEARS OF AGE. THE PROVIDER OR THE
33 PROVIDER'S SUCCESSOR IN INTEREST SHALL PRODUCE UPON WRITTEN
34 REQUEST ALL SUCH DOCUMENTS, OR COPIES THEREOF, AS APPROPRIATE, TO
35 ANY SUBSEQUENT PROVIDER TREATING THE CLAIMANT, AN APPROPRIATE
36 HEALTH CARE PROVIDER PERFORMING AN EXTERNAL REVIEW PURSUANT TO
37 SECTION 10-4-725.3, OR AN INSURER.

38
39 (6) ANY COVERAGE PROVIDED UNDER THIS SECTION SHALL BE
40 SUBJECT TO ALL PROVISIONS OF THE UNDERLYING INSURANCE POLICY,
41 INCLUDING ANY COST-CONTAINMENT OPTION SELECTED PURSUANT TO
42 SECTION 10-4-706.6.

43
44 (7) AN INSURER SHALL NOT BE REQUIRED TO MAINTAIN A
45 PERSONAL INJURY PROTECTION CLAIM FILE LONGER THAN IS REQUIRED BY
46 APPLICABLE LAW UNLESS THE CLAIM FILE CONTAINS A WRITTEN OPINION
47 RECEIVED BY THE INSURER WITHIN THREE YEARS AFTER THE DATE OF THE
48 MOTOR VEHICLE ACCIDENT, PURSUANT TO SUBSECTION (2) OF THIS
49 SECTION. ANY INSURER THAT RECEIVES SUCH A WRITTEN OPINION SHALL
50 MAINTAIN SUCH CLAIM FILE UNTIL THE CLAIMANT RECEIVES THE
51 NECESSARY SURGERY OR RECONSTRUCTIVE PROCEDURE OR ATTAINS
52 EIGHTEEN YEARS OF AGE, WHICHEVER OCCURS FIRST.

53
54 **10-4-706.3. Choosing coverage.** (1) PRIOR TO THE FIRST
55 RENEWAL ON AND AFTER JANUARY 1, 2004, OF ANY POLICY OF MOTOR
56 VEHICLE INSURANCE IN EFFECT ON DECEMBER 31, 2003, EACH INSURER

1 SHALL OFFER A FULL COVERAGE DIRECT ACCESS POLICY AND OPTIONS
2 PURSUANT TO SECTION 10-4-706.6 THAT CUSTOMIZE THE FULL COVERAGE
3 DIRECT ACCESS POLICY. SUCH POLICY OPTIONS SHALL BE OFFERED TO AN
4 APPLICANT AT THE TIME THE INSURANCE APPLICATION IS TAKEN. THE
5 OFFER SHALL BE IN WRITING OR IN THE SAME MEDIUM IN WHICH THE
6 APPLICATION IS TAKEN.

7
8 **(2) Applicability of election.** THE POLICY OPTION ELECTED BY
9 THE APPLICANT SHALL BIND THE NAMED INSURED, RESIDENT SPOUSE, ANY
10 RESIDENT RELATIVE, AND PERSONS OPERATING THE COVERED MOTOR
11 VEHICLE WITH THE PERMISSION OF THE NAMED INSURED OR THE RESIDENT
12 SPOUSE. FULL COVERAGE DIRECT ACCESS COVERAGE SHALL APPLY TO ANY
13 OTHER PERSON ENTITLED TO PERSONAL INJURY PROTECTION COVERAGE
14 UNDER THE POLICY OF INSURANCE.

15
16 **(3) Voluntary election.** IT IS THE INTENT OF THE GENERAL
17 ASSEMBLY THAT AN APPLICANT'S CHOICE OF POLICY OPTION PURSUANT TO
18 THIS SECTION BE VOLUNTARY AND THAT NO INSURER SHALL REQUIRE AN
19 INSURED TO AGREE TO A PARTICULAR OPTION AS A CONDITION OF
20 PROVIDING INSURANCE COVERAGE.

21
22 **(4) Election of coverage.** (a) AFTER A NAMED INSURED SELECTS
23 A POLICY WITH THE DESIRED PERSONAL INJURY PROTECTION COVERAGE,
24 INCLUDING OPTIONAL COVERAGE PURSUANT TO SECTION 10-4-706.1 OR
25 10-4-706.6, AN INSURER SHALL NOTIFY SUCH NAMED INSURED IN ANY
26 RENEWAL OR REPLACEMENT POLICY OF THE PERSONAL INJURY PROTECTION
27 COVERAGE SELECTED PURSUANT TO THIS SECTION. AFTER RECEIPT OF
28 SUCH NOTICE, THE NAMED INSURED MAY REQUEST A DIFFERENT COVERAGE
29 OPTION; EXCEPT THAT SUCH CHANGE SHALL NOT AFFECT ANY CLAIM
30 ARISING OUT OF AN ACCIDENT THAT OCCURRED PRIOR TO THE DATE OF
31 SUCH NOTICE.

32
33 (b) THE POLICY OPTION PURSUANT TO SECTION 10-4-706.6 CHOSEN
34 BY THE APPLICANT OR POLICYHOLDER MAY BE CHANGED BY THE NAMED
35 INSURED AT ANY TIME UPON PRIOR NOTICE TO THE INSURER; EXCEPT THAT
36 SUCH CHANGE SHALL NOT AFFECT ANY CLAIM ARISING OUT OF AN
37 ACCIDENT THAT OCCURRED PRIOR TO THE DATE OF SUCH NOTICE.

38
39 **(5) Rate filings.** AN INSURER OFFERING THE COVERAGES
40 AUTHORIZED BY THIS SECTION SHALL DEMONSTRATE, IN RATE FILINGS
41 SUBMITTED TO THE COMMISSIONER, THE PREMIUM DIFFERENTIALS FOR
42 EACH OPTION, EXPRESSED EITHER AS A DOLLAR SAVINGS OR INCREASE,
43 COMPARED TO THE PREMIUM FOR PERSONAL INJURY PROTECTION
44 COVERAGE, OR AS A PERCENTAGE OF THE PREMIUM, AND SHALL FURTHER
45 CERTIFY TO THE COMMISSIONER, PURSUANT TO SECTION 10-4-725, ANY
46 DISCLOSURE LANGUAGE TO BE USED PURSUANT TO SUBSECTION (1) OF THIS
47 SECTION.

48
49 **(6) Required disclosure.** THE INSURER SHALL DISCLOSE:

50
51 (a) THAT THE APPLICANT OR POLICYHOLDER IS ENTITLED TO
52 CHOOSE ANY OPTION AVAILABLE THROUGH THE INSURER IN SUMMARY
53 FORM AND A DESCRIPTION OF THESE OPTIONS PURSUANT TO THIS SECTION;

54
55 (b) THE APPROXIMATE COST TO THE APPLICANT OR POLICYHOLDER
56 FOR EACH OF THE POLICY OPTIONS AVAILABLE THROUGH THE INSURER,

1 EXPRESSED EITHER AS A DOLLAR SAVINGS OR INCREASE, COMPARED TO
2 THE PREMIUM FOR FULL COVERAGE DIRECT ACCESS PERSONAL INJURY
3 PROTECTION COVERAGE, OR AS A PERCENTAGE OF THE PREMIUM OFFERED
4 BY THE INSURER;

5
6 (c) THAT A COMPLYING POLICY INCLUDES PERSONAL INJURY
7 PROTECTION COVERAGE THAT IS DESIGNED TO PROVIDE COVERAGE FOR
8 MEDICALLY NECESSARY CARE AND TREATMENT FOR MEDICAL AND
9 REHABILITATION SERVICES FOR INJURIES THAT RESULT FROM A MOTOR
10 VEHICLE ACCIDENT. THE FULL COVERAGE DIRECT ACCESS POLICY
11 PROVIDES FOR FIFTY THOUSAND DOLLARS FOR MEDICAL EXPENSES AND
12 FIFTY THOUSAND DOLLARS FOR REHABILITATION. THE AMOUNT OF THE
13 PERSONAL INJURY PROTECTION COVERAGE IS A CHOICE OF THE CONSUMER.
14 SPECIFICALLY:

15
16 (I) IF AN APPLICANT OR POLICYHOLDER MEETS THE SPECIFIC
17 INCOME REQUIREMENTS OF SECTION 10-4-706.1, HE OR SHE QUALIFIES FOR
18 AN INCOME-BASED POLICY AND MAY PURCHASE SUCH POLICY;

19
20 (II) IF AN APPLICANT OR POLICYHOLDER IS AT LEAST SIXTY-FIVE
21 YEARS OF AGE OR IS ABLE TO PROVIDE SPECIFIC EVIDENCE OF RETIREMENT
22 AND ENROLLMENT IN MEDICARE, HE OR SHE IS ELIGIBLE FOR AGE-BASED
23 PERSONAL INJURY PROTECTION PURSUANT TO SECTION 10-4-706.6 AND
24 MAY PURCHASE SUCH POLICY;

25
26 (III) IF AN APPLICANT OR POLICYHOLDER IS NOT A QUALIFIED
27 AGED-BASED OR INCOME-BASED APPLICANT, HE OR SHE MAY ELECT OTHER
28 PERSONAL INJURY PROTECTION COVERAGE THAT IS LESS THAN OR GREATER
29 THAN ONE HUNDRED THOUSAND DOLLARS PURSUANT TO SECTION
30 10-4-706.6. AN APPLICANT OR POLICYHOLDER SHALL PURCHASE LEGAL
31 LIABILITY COVERAGE PURSUANT TO SECTION 10-4-706 (1) (a). ANY
32 POLICY PURCHASED IN CONFORMITY WITH SECTION 10-4-706.6 SHALL BE
33 CONSIDERED A COMPLYING POLICY.

34
35 (d) THAT AN APPLICANT OR POLICYHOLDER MAY CHOOSE OTHER
36 COST-CONTAINMENT OPTIONS PURSUANT TO SECTION 10-4-706.6,
37 SPECIFICALLY:

38
39 (I) A MANAGED CARE ARRANGEMENT THAT MAY BE OFFERED
40 THROUGH A HEALTH MAINTENANCE ORGANIZATION OR PREFERRED
41 PROVIDER ORGANIZATION AND AN EXPLANATION OF THE WHAT MANAGED
42 CARE IS AND HOW IT AFFECTS THE APPLICANT OR POLICYHOLDER;

43
44 (II) PERSONAL INJURY PROTECTION COVERAGE DEDUCTIBLE AND
45 COINSURANCE AMOUNTS;

46
47 (III) LOSS OF GROSS INCOME COVERAGE;

48
49 (IV) ESSENTIAL SERVICE COVERAGE;

50
51 (V) FUNERAL EXPENSES COVERAGE;

52
53 (VI) COLLISION AND COMPREHENSIVE PROPERTY DAMAGE
54 COVERAGE WITH DEDUCTIBLE AND COINSURANCE AMOUNTS AND A
55 DESCRIPTION OF WHAT COVERAGE IS PROVIDED PURSUANT TO SECTIONS
56 10-4-710 AND 10-4-616; AND

1 (VII) UNDERINSURED AND UNINSURED MOTORIST COVERAGE
2 PURSUANT TO SECTION 10-4-609 AND THAT LIMITS COVERAGE TO THE
3 VEHICLE FOR WHICH IT IS PURCHASED AND WHAT THIS COVERAGE
4 INCLUDES.

5
6 (e) THAT IF THE APPLICANT OR POLICYHOLDER FAILS TO ELECT AN
7 OPTION, THEN:

8
9 (I) FOR A POLICY OF MOTOR VEHICLE INSURANCE IN FORCE AND
10 EFFECT PRIOR TO JANUARY 1, 2004, AND RENEWED THEREAFTER, THE
11 POLICYHOLDER SHALL BE DEEMED TO HAVE ELECTED A FULL COVERAGE
12 DIRECT ACCESS POLICY IF THE POLICY PROVIDED BASIC COVERAGE ON
13 DECEMBER 31, 2003;

14
15 (II) FOR A POLICY OF MOTOR VEHICLE INSURANCE IN FORCE AND
16 EFFECT PRIOR TO JANUARY 1, 2004, AND RENEWED THEREAFTER, THE
17 POLICYHOLDER SHALL BE DEEMED TO HAVE ELECTED THE MANAGED CARE
18 OPTION IF THE POLICY PROVIDED MANAGED CARE COVERAGE ON
19 DECEMBER 31, 2003; AND

20
21 (III) FOR A NEW POLICY ISSUED AFTER DECEMBER 31, 2003, THE
22 APPLICANT SHALL BE DEEMED TO HAVE ELECTED A FULL COVERAGE DIRECT
23 ACCESS POLICY WITH NO OPTIONAL COST-CONTAINMENT MECHANISMS
24 PURSUANT TO SECTION 10-4-706.6.

25
26 **10-4-706.4. Full coverage direct access policy coverage.**

27 (1) ON AND AFTER JANUARY 1, 2004, A PERSON COVERED THROUGH A
28 FULL COVERAGE DIRECT ACCESS POLICY MAY RECEIVE MEDICALLY
29 NECESSARY CARE AND TREATMENT FOR INJURIES ARISING OUT OF A MOTOR
30 VEHICLE ACCIDENT. THE MEDICAL NECESSITY OF SUCH CARE AND
31 TREATMENT SHALL BE SUBJECT TO DETERMINATION BY INTERNAL AND
32 EXTERNAL REVIEW PURSUANT TO SECTIONS 10-4-725.2 OR 10-4-725.3. AN
33 INSURER MAY LIMIT COVERAGE TO ONLY LICENSED, REGISTERED, OR
34 CERTIFIED HEALTH CARE PROVIDERS.

35
36 (2) A FULL COVERAGE DIRECT ACCESS POLICY SHALL INCLUDE:

37
38 (a) **Medical.** COMPENSATION WITHOUT REGARD TO FAULT UP TO
39 A LIMIT OF FIFTY THOUSAND DOLLARS FOR PAYMENT OF ALL REASONABLE
40 CHARGES FOR MEDICALLY NECESSARY CARE AND TREATMENT PERFORMED
41 WITHIN THREE YEARS AFTER THE ACCIDENT FOR BODILY INJURY ARISING
42 OUT OF THE MOTOR VEHICLE ACCIDENT. COVERAGE PURSUANT TO THIS
43 SUBSECTION (2) SHALL ONLY BE CONSIDERED A COMPLYING POLICY
44 PURSUANT TO SECTION 10-4-706 WHEN PURCHASED IN CONJUNCTION WITH
45 LEGAL LIABILITY COVERAGE PURSUANT TO SECTION 10-4-706 (1) (a).

46
47 (b) **Rehabilitation.** COMPENSATION WITHOUT REGARD TO FAULT
48 UP TO A LIMIT OF FIFTY THOUSAND DOLLARS FOR PAYMENT OF ALL
49 REASONABLE CHARGES FOR MEDICALLY NECESSARY REHABILITATION
50 PROCEDURES OR TREATMENT AND REHABILITATIVE OCCUPATIONAL
51 THERAPY NECESSARY WITHIN FIVE YEARS AFTER SUCH ACCIDENT.

52
53 **10-4-706.6. Cost-containment options. (1) (a) Other personal**
54 **injury protection coverage.** AN INSURER SHALL MAKE AVAILABLE,
55 OFFER, AND PROVIDE, AT THE OPTION OF THE APPLICANT OR
56 POLICYHOLDER:

1 **(I) Medical.** COMPENSATION WITHOUT REGARD TO FAULT UP TO
2 A LIMIT OF FORTY THOUSAND DOLLARS FOR PAYMENT OF ALL REASONABLE
3 CHARGES FOR MEDICALLY NECESSARY CARE AND TREATMENT PERFORMED
4 WITHIN THREE YEARS AFTER THE ACCIDENT FOR BODILY INJURY ARISING
5 OUT OF THE MOTOR VEHICLE ACCIDENT. COVERAGE PURSUANT TO THIS
6 PARAGRAPH (a) SHALL BE CONSIDERED A COMPLYING POLICY PURSUANT
7 TO SECTION 10-4-706 WHEN PURCHASED IN CONJUNCTION WITH LEGAL
8 LIABILITY COVERAGE PURSUANT TO SECTION 10-4-706 (1) (a).

9
10 **(II) Rehabilitation.** COMPENSATION WITHOUT REGARD TO FAULT
11 UP TO A LIMIT OF FORTY THOUSAND DOLLARS FOR PAYMENT OF ALL
12 REASONABLE CHARGES FOR MEDICALLY NECESSARY REHABILITATION
13 PROCEDURES OR TREATMENT AND REHABILITATIVE OCCUPATIONAL
14 THERAPY NECESSARY WITHIN FIVE YEARS AFTER SUCH ACCIDENT.

15
16 **(b) Age-based personal injury protection coverage.** (I) THE
17 GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT
18 PERSONS SIXTY-FIVE YEARS OF AGE AND OLDER IN COLORADO WHO HAVE
19 ACCESS TO MEDICAL COVERAGE THROUGH FEDERAL PROGRAMS, SUCH AS
20 MEDICARE AND MILITARY HEALTH BENEFIT COVERAGE, ARE ABLE TO MEET
21 THEIR NEEDS FOR PERSONAL INJURY PROTECTION COVERAGE WITHOUT
22 DUPLICATING COVERAGE THROUGH MOTOR VEHICLE INSURANCE PURSUANT
23 TO THIS PART 7. THEREFORE, THE GENERAL ASSEMBLY DETERMINES THAT
24 SUCH COVERAGE SHOULD BE OFFERED TO THESE ELIGIBLE INDIVIDUALS.

25
26 **(II)** AN INSURER OFFERING COVERAGE PURSUANT TO THIS PART 7
27 SHALL MAKE AVAILABLE, OFFER, AND PROVIDE, AT THE OPTION OF THE
28 APPLICANT OR POLICYHOLDER WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE
29 OR OLDER OR IS ABLE TO PROVIDE PROOF OF RETIREMENT SUITABLE TO THE
30 INSURER AND IS ENROLLED IN MEDICARE, COMPENSATION WITHOUT
31 REGARD TO FAULT, UP TO A LIMIT OF FIVE THOUSAND DOLLARS PER PERSON
32 FOR ANY ONE MOTOR VEHICLE ACCIDENT, FOR PAYMENT OF ALL
33 REASONABLE CHARGES FOR MEDICALLY NECESSARY CARE AND
34 TREATMENT, INCLUDING REHABILITATION PERFORMED WITHIN THREE
35 YEARS AFTER THE ACCIDENT FOR BODILY INJURY ARISING OUT OF THE
36 MOTOR VEHICLE ACCIDENT. THE COVERAGE PURSUANT TO THIS
37 SUBPARAGRAPH (II) SHALL BE CONSIDERED A COMPLYING POLICY AND
38 SHALL MEET THE REQUIREMENTS OF SECTION 10-4-706.
39 NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (b) TO THE
40 CONTRARY, A PERSON WHO MEETS THE REQUIREMENTS OF THIS
41 PARAGRAPH (b) AND WHO IS ENROLLED IN THE STATE'S MEDICAL
42 ASSISTANCE PROGRAM PURSUANT TO ARTICLE 4 OF TITLE 26, C.R.S., SHALL
43 NOT BE ELIGIBLE FOR AN AGE-BASED PERSONAL INJURY PROTECTION
44 COVERAGE POLICY.

45
46 **(III)** THE PROVISIONS OF THIS PARAGRAPH (b) SHALL BE
47 CONSIDERED A COMPLYING POLICY PURSUANT TO SECTION 10-4-706. A
48 POLICYHOLDER OF AN AGED-BASED PERSONAL INJURY PROTECTION
49 COVERAGE POLICY SHALL PURCHASE LEGAL LIABILITY COVERAGE
50 PURSUANT TO SECTION 10-4-706 (1) (a).

51
52 **(IV)** ANY PERSON INJURED IN AN ACCIDENT, OTHER THAN THOSE
53 PERSONS WHOSE COVERAGE IS SPECIFICALLY LIMITED TO AGE-BASED
54 PERSONAL INJURY PROTECTION PURSUANT TO THIS PARAGRAPH (b), SHALL,
55 IF EXPENSES INCURRED BY SUCH INJURED PERSON EXCEED THE LIMITS OF
56 SUCH AGE-BASED PERSONAL INJURY PROTECTION POLICY, RECEIVE

1 COVERAGE FOR SUCH EXPENSES OF NOT LESS THAN THE FULL COVERAGE
2 DIRECT ACCESS COVERAGE POLICY PURSUANT TO PARAGRAPH (a) OF
3 SUBSECTION (1) OF THIS SECTION.

4
5 **(2) Managed care.** (a) EACH INSURER OFFERING COVERAGE
6 PURSUANT TO THIS PART 7 SHALL MAKE AVAILABLE, OFFER, AND PROVIDE,
7 AT THE OPTION OF THE APPLICANT OR POLICYHOLDER, ONE OR MORE
8 COST-CONTAINMENT OPTIONS TO RECEIVE MEDICAL AND REHABILITATION
9 BENEFITS THROUGH A MANAGED CARE PLAN. A LICENSED PHYSICIAN,
10 DENTIST, OR CHIROPRACTOR SHALL SERVE AS THE PRIMARY TREATING
11 PROVIDER WHEN APPROPRIATE FOR INJURIES RESULTING FROM A MOTOR
12 VEHICLE ACCIDENT. THE MANAGED CARE OPTION SHALL PROVIDE
13 MEDICALLY NECESSARY CARE AND TREATMENT THROUGH A MANAGED
14 CARE ARRANGEMENT SUCH AS A HEALTH MAINTENANCE ORGANIZATION OR
15 A PREFERRED PROVIDER ORGANIZATION. ALL CARE AND TREATMENT
16 SHALL BE PURSUANT TO THE REQUIREMENTS OF THE MANAGED CARE
17 ARRANGEMENT, AND MAY INCLUDE THE IMPLEMENTATION OF
18 PROFESSIONAL STANDARDS, TREATMENT GUIDELINES, OR PROTOCOLS.

19
20 (b) IF AN ELIGIBLE INJURED PERSON WHO RECEIVED BENEFITS
21 THROUGH A MANAGED CARE ARRANGEMENT SEEKS CARE AND TREATMENT
22 OUTSIDE OF THE MANAGED CARE ARRANGEMENT'S NETWORK, THE INSURER
23 MAY DENY COVERAGE FOR SUCH CARE AND TREATMENT. THE PROVISIONS
24 OF THIS PARAGRAPH (b) SHALL NOT APPLY TO EMERGENCY CARE AND
25 TREATMENT OR A SITUATION IN WHICH THE MANAGED CARE ARRANGEMENT
26 DOES NOT HAVE THE NECESSARY HEALTH CARE PROVIDER IN THE
27 ARRANGEMENT'S NETWORK TO CARE AND TREAT THE ELIGIBLE INJURED
28 PERSON.

29
30 (c) NO DEDUCTIBLE OR COINSURANCE COVERED PURSUANT TO THIS
31 SUBSECTION (2) SHALL BE APPLIED WITH RESPECT TO CARE, TREATMENT,
32 SERVICES, PRODUCTS, OR ACCOMMODATION PROVIDED TO OR EXPENSES
33 INCURRED BY AN INSURED DURING THE FIRST TWENTY-FOUR HOURS IN
34 WHICH EMERGENCY TREATMENT HAS BEEN PROVIDED OR UNTIL THE
35 INSURED PERSON'S EMERGENCY MEDICAL CONDITION IS STABILIZED,
36 WHICHEVER IS LONGER, OR UNTIL THE INSURED PERSON IS TRANSFERRED
37 TO A MANAGED CARE PROVIDER IN ACCORDANCE WITH APPLICABLE LAW.

38
39 **(3) Loss of gross income.** EACH INSURER OFFERING COVERAGE
40 UNDER THIS PART 7 SHALL MAKE AVAILABLE, OFFER, AND SHALL PROVIDE,
41 AT THE OPTION OF THE APPLICANT OR POLICYHOLDER, COVERAGE FOR
42 PAYMENT EQUIVALENT TO ONE HUNDRED PERCENT OF THE FIRST ONE
43 HUNDRED TWENTY-FIVE DOLLARS OF LOSS OF GROSS INCOME PER WEEK,
44 SEVENTY PERCENT OF THE NEXT ONE HUNDRED TWENTY-FIVE DOLLARS OF
45 LOSS OF GROSS INCOME PER WEEK, AND SIXTY PERCENT OF ANY LOSS OF
46 GROSS INCOME PER WEEK IN EXCESS THEREOF, WITH THE TOTAL COVERAGE
47 UNDER THIS SUBSECTION (3) NOT EXCEEDING FOUR HUNDRED DOLLARS PER
48 WEEK, FROM WORK THE INJURED PERSON WOULD HAVE PERFORMED HAD
49 HE OR SHE NOT BEEN INJURED DURING A PERIOD COMMENCING THE DAY
50 AFTER THE DATE OF THE ACCIDENT AND NOT EXCEEDING FIFTY-TWO
51 ADDITIONAL WEEKS.

52
53 **(4) Essential services.** (a) EACH INSURER OFFERING COVERAGE
54 PURSUANT TO THIS PART 7 SHALL MAKE AVAILABLE, OFFER, AND SHALL
55 PROVIDE, AT THE OPTION OF THE APPLICANT OR POLICYHOLDER, COVERAGE
56 FOR PAYMENT OF EXPENSES NOT EXCEEDING TWENTY-FIVE DOLLARS PER

1 DAY THAT ARE REASONABLY INCURRED FOR ESSENTIAL SERVICES IN LIEU
2 OF THOSE ACTIVITIES THE INJURED PERSON WOULD HAVE OTHERWISE
3 PERFORMED WITHOUT ASSISTANCE DURING THE PERIOD COMMENCING THE
4 DAY AFTER THE DATE OF THE MOTOR VEHICLE ACCIDENT AND NOT
5 EXCEEDING FIFTY-TWO ADDITIONAL WEEKS.

6
7 (b) COVERAGE FOR ESSENTIAL SERVICES OFFERED PURSUANT TO
8 THIS SUBSECTION (4) SHALL NOT BE PAYABLE TO A RESIDENT RELATIVE OF
9 THE INJURED PERSON OR FOR GRATUITOUSLY PROVIDED ESSENTIAL
10 SERVICES.

11
12 (5) THE OPTIONAL COVERAGE SPECIFIED IN THIS SECTION SHALL
13 NOT ACCRUE FOLLOWING THE DEATH OF THE INJURED PERSON.

14
15 (6) **Funeral benefits.** EACH INSURER OFFERING COVERAGE
16 PURSUANT TO THIS PART 7 SHALL MAKE AVAILABLE, OFFER, AND SHALL
17 PROVIDE, AT THE OPTION OF THE APPLICANT OR POLICYHOLDER, COVERAGE
18 FOR PAYMENT OF EXPENSES ON ACCOUNT OF DEATH OF A PERSON FOR
19 WHOM DIRECT BENEFITS ARE PROVIDED UNDER THIS SECTION, PAYABLE TO
20 THE ESTATE OF THE DECEASED, IN THE TOTAL AMOUNT OF FIVE THOUSAND
21 DOLLARS.

22
23 (7) **Personal injury protection coverage deductibles and**
24 **coinsurance.** (a) WITH RESPECT TO THE COVERAGES FOR PERSONAL
25 INJURY PROTECTION COVERAGE SET FORTH IN THIS SECTION AND SECTIONS
26 10-4-706, 10-4-706.1, 10-4-706.2, AND 10-4-706.3, AN INSURER SHALL
27 MAKE AVAILABLE, OFFER, AND PROVIDE, AT THE OPTION OF THE NAMED
28 INSURED, DEDUCTIBLES AND COINSURANCE ARRANGEMENTS IN SUCH
29 AMOUNTS OR PERCENTAGES AS EACH INSURER SHALL DEEM APPROPRIATE;
30 EXCEPT THAT DEDUCTIBLE AND COINSURANCE AMOUNTS SHALL BE NO
31 GREATER THAN A TOTAL OF THREE THOUSAND DOLLARS. THE INSURER
32 SHALL CLEARLY DISCLOSE THE MAXIMUM OUT-OF-POCKET EXPENSES THAT
33 MAY BE INCURRED BY THE APPLICANT OR POLICYHOLDER AND THE TOTAL
34 AMOUNTS OF COVERAGE, INCLUDING COINSURANCE OR DEDUCTIBLE
35 AMOUNTS.

36
37 (b) ANY DEDUCTIBLES AND COINSURANCE ARRANGEMENTS
38 PROVIDED PURSUANT TO THIS SUBSECTION (7) SHALL ONLY APPLY TO THE
39 NAMED INSURED, RESIDENT SPOUSE, RESIDENT RELATIVE, AND PERSONS
40 OPERATING THE COVERED MOTOR VEHICLE WITH THE PERMISSION OF THE
41 NAMED INSURED OR RESIDENT SPOUSE.

42
43 (c) A PERSON WHO IS ENROLLED IN THE MEDICAL ASSISTANCE
44 PROGRAM PURSUANT TO ARTICLE 4 OF TITLE 26, C.R.S., OR THE
45 CHILDREN'S BASIC HEALTH PLAN PURSUANT TO ARTICLE 19 OF TITLE 26,
46 C.R.S., SHALL NOT BE ELIGIBLE TO SELECT DEDUCTIBLES OR COINSURANCE
47 ARRANGEMENTS FOR PERSONAL INJURY PROTECTION.

48
49 (d) NO DEDUCTIBLE OR COINSURANCE COVERED PURSUANT TO THIS
50 SUBSECTION (2) SHALL BE APPLIED WITH RESPECT TO CARE, TREATMENT,
51 SERVICES, PRODUCTS, OR ACCOMMODATION PROVIDED TO OR EXPENSES
52 INCURRED BY AN INSURED DURING THE FIRST TWENTY-FOUR HOURS IN
53 WHICH EMERGENCY TREATMENT HAS BEEN PROVIDED OR UNTIL THE
54 INSURED PERSON'S EMERGENCY MEDICAL CONDITION IS STABILIZED,
55 WHICHEVER IS LONGER, OR UNTIL THE INSURED PERSON IS TRANSFERRED
56 TO A MANAGED CARE OR OTHER PROVIDER IN ACCORDANCE WITH

1 APPLICABLE LAW.

2

3 **(8) Collision and comprehensive coverage deductibles and**
4 **coinsurance.** (a) WITH RESPECT TO THE COVERAGES FOR COLLISION
5 COVERAGE SET FORTH IN SECTION 10-4-710 (3), AN INSURER SHALL MAKE
6 AVAILABLE, OFFER, AND SHALL PROVIDE, AT THE OPTION OF THE NAMED
7 INSURED, DEDUCTIBLES IN SUCH AMOUNTS OR PERCENTAGES AS EACH
8 INSURER SHALL DEEM APPROPRIATE. THE DEDUCTIBLES SHALL BE AT
9 LEAST TWO HUNDRED FIFTY DOLLARS, FIVE HUNDRED DOLLARS, AND ONE
10 THOUSAND DOLLARS.

11

12 (b) WITH RESPECT TO THE COVERAGES FOR COMPREHENSIVE
13 COVERAGE SET FORTH IN SECTION 10-4-616, AN INSURER SHALL MAKE
14 AVAILABLE, OFFER, AND SHALL PROVIDE, AT THE OPTION OF THE NAMED
15 INSURED, DEDUCTIBLES AND COINSURANCE IN SUCH AMOUNTS OR
16 PERCENTAGES AS EACH INSURER SHALL DEEM APPROPRIATE. THE
17 DEDUCTIBLES SHALL BE AT LEAST TWO HUNDRED FIFTY DOLLARS, FIVE
18 HUNDRED DOLLARS, AND ONE THOUSAND DOLLARS.

19

20 **(9) Underinsured and uninsured motorist coverage.** AN
21 INSURER OFFERING COVERAGE PURSUANT TO PARTS 6 AND 7 OF THIS
22 ARTICLE SHALL MAKE AVAILABLE, OFFER, AND SHALL PROVIDE, AT THE
23 OPTION OF THE APPLICANT OR POLICYHOLDER, A PROVISION THAT
24 PROVIDES UNINSURED AND UNDERINSURED MOTORIST COVERAGE THAT
25 LIMITS COVERAGE FOR A SPECIFIC MOTOR VEHICLE AND DOES NOT
26 TRANSFER COVERAGE TO ANY OTHER MOTOR VEHICLE PURSUANT TO
27 SECTION 10-4-609.

28

29 **10-4-725.1. Procedure for denial of benefits.** ON AND AFTER
30 JANUARY 1, 2004, AN INSURER SHALL ESTABLISH PROCEDURES FOR
31 INTERNAL REVIEW OF DENIAL OF A CLAIM FOR COVERED PERSONAL INJURY
32 PROTECTION BENEFITS UNDER SECTION 10-4-706, 10-4-706.1, 10-4-706.2,
33 10-4-706.4, OR 10-4-706.6, BASED ON THE MEDICAL NECESSITY OF THE
34 TREATMENT. SUCH PROCEDURES SHALL INCLUDE PROVISIONS FOR AN
35 EXPEDITED INTERNAL REVIEW. THE INTERNAL REVIEW PROCEDURES SHALL
36 BE FILED WITH THE COMMISSIONER AND SHALL SET FORTH THE
37 PROCEDURES TO DETERMINE WHETHER A CLAIM FOR PERSONAL INJURY
38 PROTECTION BENEFITS UNDER THIS PART 7 IS MEDICALLY NECESSARY. THE
39 INTERNAL REVIEW PROCEDURES SHALL INCLUDE PROVISIONS FOR
40 EXPEDITED REVIEW OF THE DENIAL OF BENEFITS. THE ELIGIBLE INJURED
41 PERSON, THE PROVIDER, AND THE INSURER SHALL COMPLY WITH THE
42 REQUIREMENTS OF THE REVIEW PROCESS, INCLUDING ANY REQUIREMENT
43 THAT THE ELIGIBLE INJURED PERSON EXECUTE A RELEASE OF MEDICAL
44 INFORMATION TO PROVIDE ALL THE INSURED'S MEDICAL RECORDS
45 RELEVANT TO THE BODILY INJURY ARISING OUT OF THE MOTOR VEHICLE
46 ACCIDENT AND RECORDS FOR ANY RELEVANT PRIOR PHYSICAL OR MENTAL
47 CONDITION.

48

49 **10-4-725.2. Internal review.** (1) AN INTERNAL REVIEW SHALL
50 BE COMPLETED NO LATER THAN FORTY-FIVE DAYS AFTER THE REQUEST FOR
51 REVIEW. THE FINDINGS AND CONCLUSIONS SHALL BE BINDING ON THE
52 ELIGIBLE INJURED PERSON AND THE INSURER, UNLESS EITHER THE ELIGIBLE
53 INJURED PERSON OR INSURER REQUESTS AN EXTERNAL REVIEW. THE
54 PARTY REQUESTING EXTERNAL REVIEW SHALL NOTIFY THE OTHER PARTY
55 AND SUCH NOTICE MUST BE RECEIVED NO LATER THAN SIXTY DAYS AFTER
56 THE DATE OF THE INTERNAL REVIEW DETERMINATION OR THE RIGHT TO AN

- 1 EXTERNAL REVIEW SHALL BE DEEMED WAIVED.
- 2
- 3 (2) AN INSURER'S DENIAL OF A CLAIM FOR BENEFITS SHALL:
- 4
- 5 (a) BE IN WRITING AND SET FORTH THE REASONS FOR THE DENIAL
- 6 BASED ON THE MEDICAL NECESSITY OF THE TREATMENT; AND
- 7
- 8 (b) ADVISE THE ELIGIBLE INJURED PERSON OF THE RIGHT TO
- 9 APPEAL SUCH DENIAL, THE TIME FRAMES FOR SUCH APPEALS, AND
- 10 PROCEDURES FOR EXPEDITED REVIEW OF CLAIMED BENEFITS.
- 11
- 12 (3) NOTHING IN THIS SECTION SHALL BE DEEMED TO PREVENT AN
- 13 INSURER FROM DETERMINING THAT THE BODILY INJURY WAS NOT CAUSED,
- 14 IN WHOLE OR IN PART, BY THE SUBJECT MOTOR VEHICLE ACCIDENT OR
- 15 THAT THE EXPENSES FOR TREATMENT AND SERVICES WERE NOT
- 16 REASONABLE AS OTHERWISE PROVIDED IN THIS PART 7.
- 17

10-4-725.3. External review of benefit denials - definitions.

- 18
- 19 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
- 20 REQUIRES:
- 21
- 22 (a) (I) "EXPERT REVIEWER" MEANS A LICENSED PHYSICIAN OR
- 23 OTHER LICENSED, CERTIFIED, OR REGISTERED HEALTH CARE PROVIDER. AN
- 24 EXPERT REVIEWER SHALL NOT:
- 25
- 26 (A) HAVE BEEN INVOLVED IN THE INSURED'S CARE PREVIOUSLY;
- 27
- 28 (B) BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INSURER;
- 29
- 30 (C) HAVE BEEN PREVIOUSLY INVOLVED IN THE REVIEW PROCESS
- 31 FOR THE INSURED SEEKING EXTERNAL REVIEW;
- 32
- 33 (D) HAVE A DIRECT FINANCIAL INTEREST IN THE CASE OR IN THE
- 34 OUTCOME OF THE REVIEW; OR
- 35
- 36 (E) BE AN EMPLOYEE OF THE INSURER.
- 37
- 38 (II) AN EXPERT REVIEWER SHALL:
- 39
- 40 (A) BE AN EXPERT IN THE TREATMENT OF THE MEDICAL CONDITION
- 41 OF THE INSURED WHOSE BODILY INJURY IS THE SUBJECT OF THE REVIEW
- 42 AND THE SERVICE THAT IS THE SUBJECT OF THE REVIEW THROUGH THE
- 43 EXPERT'S ACTUAL, CURRENT CLINICAL EXPERIENCE;
- 44
- 45 (B) HOLD A LICENSE ISSUED BY A STATE AND, FOR PHYSICIANS, A
- 46 CURRENT CERTIFICATION BY A RECOGNIZED AMERICAN MEDICAL
- 47 SPECIALTY BOARD IN THE AREA APPROPRIATE TO THE SUBJECT OF REVIEW;
- 48 AND
- 49
- 50 (C) HAVE NO HISTORY OF CONFIRMED DISCIPLINARY ACTION OR
- 51 SANCTION, INCLUDING LOSS OF STAFF PRIVILEGES OR PARTICIPATION
- 52 RESTRICTIONS, TAKEN BY ANY HOSPITAL, GOVERNMENT, OR REGULATORY
- 53 BODY; EXCEPT THAT A LETTER OF ADMONITION SHALL NOT BE CONSIDERED
- 54 A DISCIPLINARY ACTION OR SANCTION.
- 55
- 56 (b) "INDEPENDENT EXTERNAL REVIEW ENTITY" MEANS AN ENTITY

1 THAT MEETS THE REQUIREMENTS OF THIS SECTION AND IS CERTIFIED BY
2 THE COMMISSIONER PURSUANT TO SECTION 10-16-113.5 TO CONDUCT
3 INDEPENDENT EXTERNAL REVIEWS OF DETERMINATIONS BY AN INSURER TO
4 DENY A REQUEST FOR REIMBURSEMENT FOR OR COVERAGE OF MEDICAL
5 TREATMENT THAT IS A COVERED PERSONAL INJURY PROTECTION BENEFIT
6 FOR A COVERED INDIVIDUAL ON THE GROUNDS THAT SUCH TREATMENT OR
7 COVERED PERSONAL INJURY PROTECTION BENEFIT IS NOT MEDICALLY
8 NECESSARY, MEDICALLY APPROPRIATE, MEDICALLY EFFECTIVE, OR
9 MEDICALLY EFFICIENT. THE INDEPENDENT EXTERNAL REVIEW ENTITY MAY
10 NOT REVIEW INSURER DECISIONS TO DENY A REQUEST FOR
11 REIMBURSEMENT FOR OR COVERAGE OF A MEDICAL TREATMENT THAT IS
12 NOT A COVERED PERSONAL INJURY PROTECTION BENEFIT. THE
13 INDEPENDENT EXTERNAL REVIEW ENTITY MAY REVIEW INSURER DECISIONS
14 TO DENY A REQUEST FOR REIMBURSEMENT OR COVERAGE OF A MEDICAL
15 TREATMENT ON THE GROUNDS THAT IT IS AN EXPERIMENTAL OR
16 INVESTIGATIONAL PROCEDURE, BUT ONLY IF SUCH PROCEDURE IS NOT
17 EXPLICITLY LISTED AS AN EXCLUDED BENEFIT IN THE POLICY. WHERE A
18 SPECIFIC PROCEDURE IS A LISTED EXCLUDED BENEFIT, THE INSURER SHALL
19 DENY COVERAGE ON THE GROUNDS THAT IT IS NOT A COVERED PERSONAL
20 INJURY PROTECTION BENEFIT AND THIS SHALL NOT BE REVIEWABLE BY THE
21 INDEPENDENT EXTERNAL REVIEW ENTITY.

22

23 (c) "MEDICAL NECESSITY STANDARDS" MEANS THE REVIEW OF
24 MEDICAL AND SCIENTIFIC EVIDENCE, AS DEFINED IN SECTION 10-16-113.5
25 (2) (f), AND MAY INCLUDE NATIONAL OR STATE TREATMENT GUIDELINES
26 OR PROTOCOLS FOR THE CARE OR TREATMENT BEING REVIEWED.

27

28 (2) EACH INSURER SHALL MAKE AVAILABLE AN INDEPENDENT
29 EXTERNAL REVIEW PROCESS THAT MEETS THE REQUIREMENTS OF THIS
30 SECTION. TWENTY-FIVE PERCENT OF THE COST OF AN INDEPENDENT
31 EXTERNAL REVIEW SHALL BE PAID BY THE ELIGIBLE INJURED PERSON AND
32 THE REMAINING SEVENTY-FIVE PERCENT OF THE COST SHALL BE PAID BY
33 THE INSURER. THE INSURER SHALL USE AN INDEPENDENT EXTERNAL
34 REVIEW ENTITY THAT HAS BEEN CERTIFIED BY THE COMMISSIONER
35 PURSUANT TO SECTION 10-16-113.5 TO CONDUCT SUCH EXTERNAL REVIEW.

36

37 (3) UPON RECEIPT OF A REQUEST FROM AN ELIGIBLE INJURED
38 PERSON REQUESTING AN INDEPENDENT EXTERNAL REVIEW OF A DENIAL,
39 THE INSURER SHALL CONTACT THE DIVISION OF INSURANCE. THE DIVISION
40 OF INSURANCE SHALL INFORM THE INSURER OF THE NAME OF THE
41 CERTIFIED INDEPENDENT EXTERNAL REVIEW ENTITY TO WHICH THE APPEAL
42 SHOULD BE SENT.

43

44 (4) THE ELIGIBLE INJURED PERSON OR INSURER REQUESTING AN
45 EXTERNAL REVIEW SHALL MAKE A REQUEST FOR EXTERNAL REVIEW
46 WITHIN SIXTY CALENDAR DAYS AFTER RECEIVING NOTIFICATION OF
47 DETERMINATION OF INTERNAL REVIEW PURSUANT TO SECTION 10-4-725.2.
48 AFTER THE DETERMINATION THROUGH INTERNAL REVIEW, THE INSURER
49 SHALL ADVISE THE ELIGIBLE INJURED PERSON IN WRITING OF THE
50 FOLLOWING:

51

52 (a) THE CIRCUMSTANCES UNDER WHICH AN ELIGIBLE INJURED
53 PERSON REQUESTING AN EXTERNAL REVIEW MAY USE THE EXTERNAL
54 REVIEW PROCESS;

55

56 (b) THE PROCEDURES FOR REQUESTING AN EXTERNAL REVIEW;

1 (c) THE TIME FRAMES ASSOCIATED WITH AN EXTERNAL REVIEW;
2 AND

3
4 (d) THE POLICIES CONCERNING EXPEDITED REVIEW OF BENEFITS.

5
6 (5) (a) THE INSURER SHALL PROVIDE TO THE EXPERT REVIEWER
7 COPIES OF THE FOLLOWING DOCUMENTS:

8
9 (I) ANY INFORMATION SUBMITTED TO THE INSURER BY AN ELIGIBLE
10 INJURED PERSON REQUESTING AN EXTERNAL REVIEW, OR BY THE PROVIDER
11 OF AN ELIGIBLE INJURED PERSON SEEKING AN EXTERNAL REVIEW, IN
12 SUPPORT OF THE REQUEST. THE EXPERT REVIEWER SHALL MAINTAIN THE
13 CONFIDENTIALITY OF ANY MEDICAL RECORDS SUBMITTED PURSUANT TO
14 THIS SUBSECTION (5).

15
16 (II) ANY RELEVANT DOCUMENTS USED BY THE INSURER TO
17 DETERMINE THE MEDICAL NECESSITY, ANY DENIAL LETTERS ISSUED BY THE
18 INSURER CONCERNING THE INDIVIDUAL CASE UNDER REVIEW, AND THE
19 DETERMINATION. THE INSURER SHALL PROVIDE TO AN ELIGIBLE INJURED
20 PERSON, UPON THE ELIGIBLE INJURED PERSON'S REQUEST FOR AN
21 EXTERNAL REVIEW, ALL RELEVANT INFORMATION SUPPLIED TO THE EXPERT
22 REVIEWER THAT IS NOT CONFIDENTIAL OR PRIVILEGED UNDER STATE OR
23 FEDERAL LAW CONCERNING THE INDIVIDUAL CASE UNDER REVIEW.

24
25 (b) THE EXPERT REVIEWER SHALL NOTIFY THE ELIGIBLE INJURED
26 PERSON, THE ELIGIBLE INJURED PERSON'S PROVIDER, AND THE INSURER OF
27 ANY ADDITIONAL MEDICAL INFORMATION REQUIRED TO CONDUCT THE
28 REVIEW OR OF A REQUEST TO CONDUCT A PHYSICAL EXAMINATION OF THE
29 ELIGIBLE INJURED PERSON. THE ELIGIBLE INJURED PERSON OR THE
30 ELIGIBLE INJURED PERSON'S PROVIDER SHALL THEN SUBMIT THE
31 ADDITIONAL INFORMATION TO THE EXPERT REVIEWER AND THE INSURER OR
32 MAKE THE ELIGIBLE INJURED PERSON AVAILABLE FOR A PHYSICAL
33 EXAMINATION. THE INSURER MAY, AT ITS DISCRETION, DETERMINE THAT
34 ADDITIONAL INFORMATION PROVIDED BY THE ELIGIBLE INJURED PERSON
35 OR THE ELIGIBLE INJURED PERSON'S PROVIDER JUSTIFIES A
36 RECONSIDERATION OF ITS DENIAL OF COVERAGE, AND A SUBSEQUENT
37 DECISION BY THE INSURER TO PROVIDE COVERAGE SHALL TERMINATE THE
38 EXTERNAL REVIEW UPON NOTIFICATION IN WRITING TO THE EXPERT
39 REVIEWER AND THE ELIGIBLE INJURED PERSON.

40
41 (6) (a) (I) THE EXPERT REVIEWER SHALL SUBMIT HIS OR HER
42 DETERMINATION TO THE INSURER, THE ELIGIBLE INJURED PERSON, AND THE
43 ELIGIBLE INJURED PERSON'S PROVIDER WITHIN TWENTY BUSINESS DAYS
44 AFTER THE INSURER HAS RECEIVED A REQUEST FOR EXTERNAL REVIEW;
45 EXCEPT THAT, AT THE REQUEST OF THE EXPERT REVIEWER, SUCH DEADLINE
46 SHALL BE EXTENDED BY UP TO SEVEN BUSINESS DAYS FOR THE
47 CONSIDERATION OF ADDITIONAL INFORMATION REQUIRED PURSUANT TO
48 THIS SECTION.

49
50 (II) IN THE CASE OF AN EXPEDITED REVIEW, THE EXPERT
51 REVIEWER'S DETERMINATION SHALL BE SUBMITTED WITHIN SEVEN
52 BUSINESS DAYS AFTER THE INSURER HAS RECEIVED A REQUEST FOR
53 EXTERNAL REVIEW; EXCEPT THAT, AT THE REQUEST OF THE EXPERT
54 REVIEWER, THE DEADLINE SHALL BE EXTENDED FOR FIVE BUSINESS DAYS
55 FOR THE CONSIDERATION OF ADDITIONAL INFORMATION REQUIRED
56 PURSUANT TO THIS SECTION.

- 1 (b) THE EXPERT REVIEWER'S DETERMINATION SHALL BE IN WRITING
2 AND SHALL STATE WHY THE SERVICE IS OR IS NOT COVERED. THE EXPERT
3 REVIEWER'S DETERMINATION SHALL SPECIFICALLY CITE THE SPECIFIC
4 MEDICAL CONDITION OF THE ELIGIBLE INJURED PERSON, AND THE
5 RELEVANT DOCUMENTS PROVIDED PURSUANT TO THIS SECTION TO SUPPORT
6 THE EXPERT REVIEWER'S DETERMINATION. THE EXPERT REVIEWER'S
7 DETERMINATION SHALL BE BASED ON AN OBJECTIVE REVIEW OF THE
8 MEDICAL NECESSITY STANDARDS FOR THE CONDITION BEING REVIEWED.
9
- 10 (c) A DETERMINATION SHALL ALSO INCLUDE:
- 11
- 12 (I) THE TITLES AND QUALIFYING CREDENTIALS OF THE EXPERT
13 REVIEWER CONDUCTING THE REVIEW;
- 14
- 15 (II) A STATEMENT OF THE UNDERSTANDING OF THE EXPERT
16 REVIEWER CONDUCTING THE REVIEW OF THE NATURE OF THE GRIEVANCE
17 AND ALL PERTINENT FACTS;
- 18
- 19 (III) THE RATIONALE FOR THE DECISION;
- 20
- 21 (IV) REFERENCE TO MEDICAL AND SCIENTIFIC EVIDENCE, ANY
22 STATE OR NATIONAL TREATMENT GUIDELINES OR PROTOCOLS OBSERVED
23 BY THE EXPERT REVIEWED, AND DOCUMENTATION CONSIDERED IN MAKING
24 THE DETERMINATION; AND
- 25
- 26 (V) IN CASES INVOLVING A DETERMINATION ADVERSE TO THE
27 ELIGIBLE INJURED PERSON, THE INSTRUCTIONS FOR REQUESTING A WRITTEN
28 STATEMENT OF THE CLINICAL RATIONALE, INCLUDING THE CLINICAL
29 REVIEW CRITERIA USED TO MAKE THE DETERMINATION.
30
- 31 (7) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
32 CONTRARY, AN ELIGIBLE INJURED PERSON OR INSURER MAY REQUEST A
33 REVIEW BY A PANEL OF THREE EXPERT REVIEWERS. AT LEAST ONE OF THE
34 THREE EXPERT REVIEWERS SHALL BE OF THE SAME SPECIALTY OR
35 PROFESSION AS THE HEALTH CARE PROVIDER OF THE ELIGIBLE INJURED
36 PERSON. ANY ADDITIONAL EXPENSE OF A PANEL REVIEW SHALL BE PAID BY
37 THE PARTY REQUESTING THE PANEL REVIEW.
38
- 39 (8) THE DETERMINATION OF THE EXPERT REVIEWER SHALL BE
40 BINDING ON THE INSURER AND ON THE ELIGIBLE INJURED PERSON, UNLESS
41 APPEALED TO A COURT OF APPROPRIATE JURISDICTION WITHIN NINETY
42 DAYS AFTER THE DETERMINATION IN ACCORDANCE WITH THIS SECTION.
43
- 44 (9) WHERE AN EXPERT DETERMINATION IS MADE IN FAVOR OF THE
45 ELIGIBLE INJURED PERSON, COVERAGE FOR THE TREATMENT AND SERVICES
46 REQUIRED UNDER THIS SECTION SHALL BE PROVIDED SUBJECT TO THIS PART
47 7.
48
- 49 (10) AN EXPERT REVIEWER SHALL BE IMMUNE FROM CIVIL
50 LIABILITY IN ANY ACTION BROUGHT BY ANY PERSON BASED UPON THE
51 DETERMINATIONS MADE PURSUANT TO THIS SECTION. THIS SUBSECTION
52 (10) SHALL NOT APPLY TO AN ACT OR OMISSION OF THE EXPERT REVIEWER
53 THAT IS MADE IN BAD FAITH OR INVOLVES GROSS NEGLIGENCE.
54
- 55 (11) NOTHING IN THIS SECTION SHALL MAKE THE INSURER LIABLE
56 FOR DAMAGES ARISING FROM ANY ACT OR OMISSION OF THE EXPERT

1 REVIEWER.

2

3 **SECTION 6.** The introductory portion to 10-4-707 (1) and
4 10-4-707 (1) (a), (3), (4), (5), and (6), Colorado Revised Statutes, are
5 amended, and the said 10-4-707 is further amended BY THE ADDITION
6 OF THE FOLLOWING NEW SUBSECTIONS, to read:

7

8 **10-4-707. Benefits - how payable.** (1) ON AND AFTER JANUARY
9 1, 2004, the coverages described in section 10-4-706 ~~(1) (b) to (1) (e) or~~
10 ~~alternatively, as applicable, section 10-4-706 (2) or (3)~~ 10-4-706.1,
11 10-4-706.2, 10-4-706.4, OR 10-4-706.6 shall be applicable to:

12

13 (a) Accidental bodily injury sustained by the named insured when
14 injured in ~~an~~ A MOTOR VEHICLE accident, ~~involving any motor vehicle,~~
15 regardless of whether the accident occurs in this state or in any other
16 jurisdiction, except where the injury is the result of the use or operation
17 of the named insured's own motor vehicle not actually covered under the
18 terms of this part 7;

19

20 (3) ON AND AFTER JANUARY 1, 2004, except as provided in
21 subsection (4) of this section, when a person injured is also an insured
22 under a complying policy other than the complying policy insuring the
23 vehicle out of the use of which the accident arose, primary coverage shall
24 be afforded by the policy insuring said vehicle under section 10-4-706,
25 ~~but in the event two or more insurers have obligations under complying~~
26 ~~policies to pay benefits to the same person, the limits of coverage~~
27 ~~available as benefits to such person shall be the limits of a single~~
28 ~~complying policy except to the extent that optional coverages purchased~~
29 ~~for additional premiums on a voluntary basis are applicable. In the event~~
30 ~~two or more insurers are liable to pay benefits on the same basis, any~~
31 ~~insurer paying benefits shall be entitled to an equitable pro rata~~
32 ~~contribution from such other insurer.~~ 10-4-706.1, 10-4-706.2, 10-4-706.4,
33 OR 10-4-706.6.

34

35 (4) ON AND AFTER JANUARY 1, 2004, when an accident involves
36 the operation of a motor vehicle by a person who is neither the owner of
37 the motor vehicle involved in the accident nor an employee of the owner
38 acting within the course and scope of employment at the time of the
39 accident, and the operator of the motor vehicle is an insured under a
40 complying policy other than the complying policy insuring the motor
41 vehicle involved in the accident, primary coverage FOR THE OPERATOR OR
42 THE OPERATOR'S RESIDENT RELATIVE as to all coverages provided in the
43 policy under which the operator is an insured shall be afforded by the
44 policy insuring the said operator. ~~except as provided in subsection (6) of~~
45 ~~this section, and any policy under which the owner is an insured shall~~
46 ~~afford excess coverage.~~ When an accident involves the operation of a
47 motor vehicle regulated under the provisions of article 10 or 11 of title
48 40, C.R.S., the provisions of subsection (3) of this section shall apply.

49

50 (5) When a person injured is a person for whom benefits are
51 required to be paid under the "Workers' Compensation Act of Colorado",
52 the coverages described in section 10-4-706, ~~(1) (b) to (1) (e) or~~
53 ~~alternatively, as applicable, section 10-4-706 (2) or (3)~~ 10-4-706.1,
54 10-4-706.2, 10-4-706.4, OR 10-4-706.6 shall be reduced to the extent that
55 benefits are actually available and covered under said act within the time
56 period for payment of benefits under this part 7 prescribed by section

1 10-4-708.

2
3 (6) ON AND AFTER JANUARY 1, 2004, when an accident involves
4 the operation of a motor vehicle designed to seat twelve or more
5 passengers ~~which~~ AND THAT is owned by, and being operated on behalf
6 of, a nonprofit religious, charitable, or educational organization entitled
7 to tax exemption under section 501 (c) (3) of the federal "Internal
8 Revenue Code of 1986", as amended, or an equivalent successor statutory
9 provision, with the exception of such vehicles owned or being operated
10 on behalf of a public school district, the policy covering said vehicle shall
11 be secondary ~~and excess~~ to any motor vehicle policy covering any person
12 occupying said vehicle to the extent of such other policy coverages;
13 except that the coverage of the operator or assistant operator of said
14 vehicle, whether or not he OR SHE is being paid to operate the vehicle,
15 shall be governed by the provisions of subsection (3) of this section.
16 Nothing in this subsection (6) shall supersede the provisions of subsection
17 (5) of this section.

18
19 (7) ON AND AFTER JANUARY 1, 2004, WHEN AN ACCIDENT
20 INVOLVES A PEDESTRIAN AND THE PEDESTRIAN IS AN INSURED UNDER A
21 COMPLYING POLICY OTHER THAN THE COMPLYING POLICY INSURING THE
22 MOTOR VEHICLE INVOLVED IN THE ACCIDENT, THE COVERAGES DESCRIBED
23 IN SECTION 10-4-706 OR 10-4-706.1, SHALL BE AFFORDED BY THE POLICY
24 INSURING THE PEDESTRIAN.

25
26 (8) ON AND AFTER JANUARY 1, 2004, IN THE EVENT TWO OR MORE
27 INSURERS HAVE OBLIGATIONS UNDER COMPLYING POLICIES TO PAY
28 BENEFITS TO THE SAME PERSON, THE LIMITS OF COVERAGE AVAILABLE TO
29 SUCH PERSON SHALL BE THE LIMITS OF A SINGLE COMPLYING POLICY
30 EXCEPT TO THE EXTENT THAT OPTIONAL COVERAGES PURCHASED FOR
31 ADDITIONAL PREMIUMS ON A VOLUNTARY BASIS ARE APPLICABLE. IN THE
32 EVENT TWO OR MORE INSURERS ARE LIABLE TO PAY BENEFITS ON THE SAME
33 BASIS, ANY INSURER PAYING BENEFITS SHALL BE ENTITLED TO AN
34 EQUITABLE PRO RATA CONTRIBUTION FROM SUCH OTHER INSURER.

35
36 **SECTION 7.** 10-4-708 (1) and (2), Colorado Revised Statutes,
37 are amended to read:

38
39 **10-4-708. Prompt payment of direct benefits.** (1) (a) ON AND
40 AFTER JANUARY 1, 2004, payment of PERSONAL INJURY PROTECTION
41 benefits under the coverages enumerated in section 10-4-706 ~~(1)(b) to (1)~~
42 ~~(e) or alternatively, as applicable, section 10-4-706 (2) or (3) OR~~
43 10-4-706.1 shall be made on a monthly basis. Benefits for any period are
44 overdue if not paid OR DENIED within thirty days after the insurer receives
45 reasonable proof of the fact and amount of expenses incurred during that
46 period; except that an insurer may accumulate claims for periods not
47 exceeding one month, and benefits are not overdue if paid OR DENIED
48 within fifteen days after the period of accumulation. If reasonable proof
49 is not supplied as to the entire claim, the amount supported by reasonable
50 proof is overdue if not paid within thirty days after such proof is received
51 by the insurer. Any part or all of the remainder of the claim that is later
52 supported by reasonable proof is overdue if not paid within thirty days
53 after such proof is received by the insurer. In the event ~~that the insurer~~
54 ~~fails to pay such benefits when due, the person entitled to such benefits~~
55 ~~may bring an action in contract to recover the same~~ OF A DISPUTE
56 CONCERNING A CLAIM FOR BENEFITS, EITHER THE INJURED PERSON OR THE

1 INSURER MAY BRING AN ACTION IN CONTRACT TO RESOLVE THE DISPUTE.

2

3 (b) FOR THE PURPOSES OF THIS SUBSECTION (1), "REASONABLE
4 PROOF" MEANS EVIDENCE OF THE REASONABLE EXPENSES INCURRED FOR
5 MEDICALLY NECESSARY CARE AND TREATMENT FOR BODILY INJURY
6 ARISING OUT OF A MOTOR VEHICLE ACCIDENT.

7

8 (2) ON AND AFTER JANUARY 1, 2004, benefits provided under
9 section 10-4-706 ~~(1) (b) to (1) (e) or alternatively, as applicable, section~~
10 ~~10-4-706 (2) or (3)~~ OR 10-4-706.1 may be paid by the insurer directly to
11 any person supplying MEDICALLY necessary care, treatment, products,
12 services, or accommodations to the person for whom benefits are required
13 under section 10-4-706 ~~(1) (b) to (1) (e) or alternatively, as applicable,~~
14 ~~section 10-4-706 (2) or (3)~~ OR 10-4-706.1.

15

16 **SECTION 8.** 10-4-708.4 (3), Colorado Revised Statutes, is
17 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18

19 **10-4-708.4. Assignment of payment - scope of benefits -**
20 **provider reimbursement.** (3) (c) (I) ON AND AFTER JANUARY 1, 2004,
21 AN INSURER MAY CONTRACT WITH A MEDICAL DATA PROCESSING FIRM OR
22 OTHER PRICING ENTITY TO REVIEW THE REASONABLENESS OF PROVIDER
23 CHARGES, OUTSIDE OF A MANAGED CARE CONTRACT PURSUANT TO SECTION
24 10-4-706.6, IN CONNECTION WITH THE PAYMENT OF PERSONAL INJURY
25 PROTECTION BENEFITS PURSUANT TO SECTION 10-4-706 OR 10-4-706.1.
26 AN INSURER USING A MEDICAL DATA PROCESSING FIRM OR OTHER PRICING
27 ENTITY SHALL CONSIDER ADDITIONAL INFORMATION GIVEN TO THE
28 INSURER BY A HEALTH CARE PROVIDER AND SHALL MAKE DECISIONS
29 INDEPENDENT OF THE MEDICAL DATA PROCESSING FIRM OR OTHER PRICING
30 ENTITY'S RECOMMENDATIONS WHEN APPROPRIATE.

31

32 (II) IT SHALL BE AN UNFAIR METHOD OF COMPETITION AND AN
33 UNFAIR OR DECEPTIVE TRADE PRACTICE IN THE BUSINESS OF INSURANCE,
34 PURSUANT TO SECTION 10-3-1104 (1) (I), FOR AN INSURER TO REDUCE
35 PAYMENT OF HEALTH CARE PROVIDER BILLS, OUTSIDE OF A MANAGED CARE
36 CONTRACT PURSUANT TO SECTION 10-4-706.6, IN CONNECTION WITH THE
37 PAYMENT OF PERSONAL INJURY PROTECTION BENEFITS BASED UPON THE
38 RECOMMENDATIONS OF A MEDICAL DATA PROCESSING FIRM OR OTHER
39 PRICING ENTITY, UNLESS THE MEDICAL DATA PROCESSING FIRM OR OTHER
40 PRICING ENTITY CERTIFIES AT LEAST ANNUALLY WHETHER THE DATA IN
41 THE MEDICAL DATA PROCESSING FIRM OR OTHER PRICING ENTITY'S
42 DATABASE IS CURRENT, ACCURATE, AND SUFFICIENT TO MAKE
43 RECOMMENDATIONS REGARDING REASONABLE CHARGES FOR BILLS
44 SUBMITTED AS PART OF PERSONAL INJURY PROTECTION CLAIMS.

45

46 **SECTION 9.** The introductory portion to 10-4-708.6 (1) (a) and
47 10-4-708.6 (1) (c), (2) (b), and (3), Colorado Revised Statutes, are
48 amended to read:

49

50 **10-4-708.6. Obligations of persons providing services -**
51 **penalties - availability and maintenance of records.** (1) (a) In addition
52 to the standards set forth in section 10-4-706, it shall be the obligation of
53 any health care practitioner or health care practitioner organization
54 providing services for which compensation is provided under section
55 10-4-706, ~~(1) (b) to (1) (e) or alternatively, as applicable, section~~
56 ~~10-4-706 (2) or (3)~~ 10-4-706.1, 10-4-706.2, 10-4-706.4, OR 10-4-706.6 to

1 assure, to the extent of such person's authority, that services or items
2 ordered or provided by such person to beneficiaries and recipients under
3 this part 7:

4
5 (c) Any person, provider, health care practitioner, health care
6 practitioner organization, or other provider of benefits under section
7 10-4-706, ~~(1) (b) to (1) (e) or alternatively, as applicable, section~~
8 ~~10-4-706 (2) or (3)~~ 10-4-706.1, 10-4-706.2, 10-4-706.4, OR 10-4-706.6
9 that violates the ~~standards~~ REQUIREMENTS of care in paragraph (a) or (b)
10 of this subsection (1) shall be subject to disciplinary action by the
11 appropriate licensing authority.

12
13 (2) (b) Any person providing services for which compensation is
14 provided under section 10-4-706, ~~(1) (b) to (1) (e) or alternatively, as~~
15 ~~applicable, section 10-4-706 (2) or (3)~~ 10-4-706.1, 10-4-706.2,
16 10-4-706.4, OR 10-4-706.6 shall maintain the originals or copies of patient
17 records justifying and relating to services provided under said section for
18 a period of five years after the last date of examination or treatment of the
19 patient.

20
21 (3) Any treatment or procedure recommended by a member of a
22 managed care provider network pursuant to section 10-4-706, ~~(1) (b) to~~
23 ~~(1) (e) or alternatively, as applicable, section 10-4-706 (2) or (3)~~
24 10-4-706.1, 10-4-706.2, 10-4-706.4, OR 10-4-706.6 shall be approved or
25 denied within twenty business days after receipt of all information
26 deemed necessary by the managed care organization to approve or deny
27 the requested treatment or procedure.

28
29 **SECTION 10.** 10-4-709 (1), Colorado Revised Statutes, is
30 amended, and the said 10-4-709 is further amended BY THE ADDITION
31 OF A NEW SUBSECTION, to read:

32
33 **10-4-709. Coordination of benefits.** (1) To avoid duplication of
34 benefits available through other insurance or contract rights, providers of
35 other benefits under sections 10-16-104 (3) (b) (II) and (5), 10-16-108 (1)
36 and (3), 10-16-214, 10-16-311, and parts 1 and 4 of article 16 of this title
37 are hereby required to coordinate such benefits with coverages required
38 under section 10-4-706, ~~(1) (b) to (1) (e) or alternatively, as applicable,~~
39 ~~section 10-4-706 (2) or (3)~~ 10-4-706.1, 10-4-706.2, 10-4-706.4, OR
40 10-4-706.6, and all providers of other benefits are expressly authorized
41 to coordinate such benefits with coverages required under this part 7.
42 ~~The coordination of benefits provided in this subsection (1) shall apply~~
43 ~~to agreements entered into on or after April 1, 1974.~~

44
45 (4) TO AVOID DUPLICATION OF BENEFITS AVAILABLE THROUGH
46 OTHER INSURANCE OR CONTRACT RIGHTS, PROVIDERS OF OTHER BENEFITS
47 UNDER MEDICARE FOR AN INSURED WITH AN AGE-BASED PERSONAL INJURY
48 PROTECTION COVERAGE POLICY ARE REQUIRED TO COORDINATE SUCH
49 BENEFITS WITH COVERAGES REQUIRED UNDER SECTION 10-4-706.6 (1) (b),
50 AND ALL PROVIDERS OF OTHER BENEFITS ARE EXPRESSLY AUTHORIZED TO
51 COORDINATE SUCH BENEFITS WITH COVERAGES REQUIRED UNDER THIS
52 PART 7. THE BENEFITS PURSUANT TO SECTION 10-4-706.6 (1) (b) SHALL BE
53 PRIMARY COVERAGE TO MEDICARE BENEFITS.

54
55 **SECTION 11.** 10-4-710 (1), (2), (3), and (4), Colorado Revised
56 Statutes, are amended to read:

1 **10-4-710. Required coverages are minimum.** (1) Nothing in
 2 this part 7 shall be construed to prohibit ~~the issuance of AN INSURER FROM~~
 3 ISSUING policies THAT ~~providing~~ PROVIDE coverages more extensive than
 4 the ~~minimum~~ coverages required under this part 7 nor to require the
 5 segregation of such ~~minimum~~ coverages from other coverages in the same
 6 policy. However, loss statistics as to bodily injury liability, property
 7 damage liability, and benefits under section 10-4-706, ~~(1) (b) to (1) (e) or~~
 8 ~~alternatively, as applicable, section 10-4-706 (2) or (3)~~ 10-4-706.1,
 9 10-4-706.2, 10-4-706.4, OR 10-4-706.6 shall be kept separately for rating
 10 purposes, and such statistics shall be filed with the commissioner each
 11 year.

12
 13 ~~(2) (a) Every insurer shall offer the following enhanced benefits~~
 14 ~~for inclusion in a complying policy, in addition to the basic coverages~~
 15 ~~described in section 10-4-706, at the option of the named insured:~~

16
 17 ~~(I) Compensation of all expenses of the type described in section~~
 18 ~~10-4-706 (1) (b) without dollar or time limitation; or~~

19
 20 ~~(II) Compensation of all expenses of the type described in section~~
 21 ~~10-4-706 (1) (b) without dollar or time limitations and payment of~~
 22 ~~benefits equivalent to eighty-five percent of loss of gross income per~~
 23 ~~week from work the injured person would have performed had such~~
 24 ~~injured person not been injured during the period commencing on the day~~
 25 ~~after the date of the accident without dollar or time limitations.~~

26
 27 ~~(III) (Deleted by amendment, L. 92, p. 1779, § 2, effective April~~
 28 ~~10, 1992.)~~

29
 30 ~~(b) A complying policy may provide that all benefits set forth in~~
 31 ~~section 10-4-706 (1) (b) to (1) (e) and in this section are subject to an~~
 32 ~~aggregate limit of two hundred thousand dollars payable on account of~~
 33 ~~injury to or death of any one person as a result of any one accident arising~~
 34 ~~out of the use or operation of a motor vehicle.~~

35
 36 (3) All insurers shall offer collision coverage for damage to
 37 insured motor vehicles subject to ~~deductibles of one hundred dollars and~~
 38 ~~two hundred fifty dollars.~~ Insurers may offer such other reasonable
 39 deductibles OF AT LEAST TWO HUNDRED FIFTY, FIVE HUNDRED, AND ONE
 40 THOUSAND DOLLARS AND COINSURANCE AMOUNTS, OR OTHER AMOUNTS
 41 as they deem appropriate. Collision coverage shall provide insurance
 42 without regard to fault against accidental property damage to the insured
 43 motor vehicle with another motor vehicle or motor vehicle caused by
 44 physical contact of the insured with another object or by upset of the
 45 insured motor vehicle, if the accident occurs within the United States, its
 46 territories or possessions, Canada, or Mexico.

47
 48 ~~(4) The provisions of subsections (2) and (3) of this section as~~
 49 ~~amended by House Bill 92-1175, enacted at the second regular session of~~
 50 ~~the fifty-eighth general assembly, shall apply to policies issued on and~~
 51 ~~after July 1, 1992.~~

52
 53 **SECTION 12.** 10-4-712 (1) and (2) (b), Colorado Revised
 54 Statutes, are amended to read:

55
 56 **10-4-712. Conditions and exclusions.** (1) The coverages

1 described in section 10-4-706 may be subject to conditions and
 2 exclusions ~~which~~ THAT are not inconsistent with the requirements of this
 3 part 7. IN DETERMINING WHETHER CONDITIONS OR EXCLUSIONS ARE
 4 INCONSISTENT WITH THE REQUIREMENTS OF THIS PART 7, A COURT SHALL
 5 CONSIDER ALL FACTORS SET FORTH IN SECTION 10-4-702.

6
 7 (2) The coverages described in section 10-4-706 may also be
 8 subject to exclusions where the injured person:

9
 10 (b) Is operating a motor vehicle as a converter ~~without a good~~
 11 ~~faith belief that he is legally entitled to operate or use such vehicle~~ AS
 12 DEFINED IN SECTION 10-4-703 (2.5).

13
 14 **SECTION 13.** 10-4-713 (1), (2) (a), and (2) (b), Colorado
 15 Revised Statutes, are amended to read:

16
 17 **10-4-713. No tort recovery for direct benefits.** (1) Neither any
 18 person eligible for direct benefits described in section 10-4-706, ~~(1) (b)~~
 19 ~~to (1) (e) or alternatively, as applicable, section 10-4-706 (2) or (3)~~
 20 10-4-706.1, 10-4-706.2, 10-4-706.4, OR 10-4-706.6, nor any insurer
 21 providing benefits described in section 10-4-706, ~~(1) (b) to (1) (e) or~~
 22 ~~alternatively, as applicable, section 10-4-706 (2) or (3)~~ 10-4-706.1,
 23 10-4-706.2, 10-4-706.4, OR 10-4-706.6, shall have any right to recover
 24 against an owner, user, or operator of a motor vehicle or against any
 25 person or organization legally responsible for the acts or omissions of
 26 such person in any action for damages for benefits required to be paid
 27 under section 10-4-706, ~~(1) (b) to (1) (e) or alternatively, as applicable,~~
 28 ~~section 10-4-706 (2) or (3)~~ 10-4-706.1, 10-4-706.2, 10-4-706.4, OR
 29 10-4-706.6, regardless of any deductible option, waiting period, or
 30 percentage limitation; except that an insurer paying benefits under section
 31 10-4-706, ~~(1) (b) to (1) (e) or alternatively, as applicable, section~~
 32 ~~10-4-706 (2) or (3)~~ 10-4-706.1, 10-4-706.2, 10-4-706.4, OR 10-4-706.6,
 33 to or for any one person for whose injuries legal liability exists or may
 34 exist on the part of a third person who is not an insured under a policy of
 35 automobile liability insurance issued by an insurer licensed to write
 36 automobile liability insurance in this state shall have a direct cause of
 37 action against an alleged tort-feasor to only the extent of the alleged
 38 tort-feasor's insurance coverage in excess of reasonable compensation
 39 paid to the injured person for such person's injury or damage by the
 40 alleged tort-feasor's insurer when the injured person could recover in tort
 41 pursuant to section 10-4-714. Nothing in this section shall be construed
 42 to afford such provider of benefits under section 10-4-706, ~~(1) (b) to (1)~~
 43 ~~(e) or alternatively, as applicable, section 10-4-706 (2) or (3)~~ 10-4-706.1,
 44 10-4-706.2, 10-4-706.4, OR 10-4-706.6 a cause of action or claim against
 45 a person to whom or for whom such benefits were paid, except in those
 46 cases in which such benefits were paid by reason of fraud or material
 47 misrepresentation of fact.

48
 49 (2) (a) Notwithstanding the provisions of subsection (1) of this
 50 section, where a motor vehicle accident involves EITHER a private
 51 passenger motor vehicle OR a public school vehicle designed to transport
 52 seven or more passengers and a nonprivate passenger motor vehicle, the
 53 insurer of the private passenger motor vehicle or the insurer of the vehicle
 54 designed to transport seven or more passengers shall have a direct cause
 55 of action for all benefits actually paid by such insurer under section
 56 10-4-706, ~~(1) (b) to (1) (e) or alternatively, as applicable, section~~

1 ~~10-4-706 (2) or (3)~~ 10-4-706.1, 10-4-706.2, 10-4-706.4, OR 10-4-706.6
 2 against the owner, user, or operator of the nonprivate passenger motor
 3 vehicle or against any person or organization legally responsible for the
 4 acts or omissions of such owner, user, or operator; except that, when the
 5 injured person could recover in tort pursuant to section 10-4-714, such
 6 direct cause of action shall be to only the extent of the alleged
 7 tort-feasor's insurance coverage in excess of reasonable compensation
 8 paid to the injured person for such person's injury or damage by the
 9 alleged tort-feasor's insurer.

10

11 (b) Notwithstanding the provisions of paragraph (a) of this
 12 subsection (2), where a motor vehicle accident involves EITHER a private
 13 passenger motor vehicle or a nonprivate passenger motor vehicle and a
 14 motor vehicle owned or operated by the regional transportation district,
 15 except maintenance or service vehicles owned or operated by the district,
 16 the insurer of the private passenger motor vehicle or the nonprivate
 17 passenger motor vehicle shall not have any cause of action or right of
 18 reimbursement for any benefits actually paid by such insurer under
 19 section 10-4-706, ~~(1) (b) to (1) (c) or alternatively, as applicable, section~~
 20 ~~10-4-706 (2) or (3)~~ 10-4-706.1, 10-4-706.2, 10-4-706.4, OR 10-4-706.6
 21 against the regional transportation district or against the user or operator
 22 of the regional transportation district motor vehicle.

23

24 **SECTION 14.** 10-4-714, Colorado Revised Statutes, is amended
 25 to read:

26

27 **10-4-714. Limitation on tort actions.** (1) ON AND AFTER THE
 28 EFFECTIVE DATE OF SENATE BILL 03-078, no person for whom direct
 29 benefit coverage is required by operation of sections 10-4-705 to
 30 10-4-707, or for whom direct benefits would have been payable but for
 31 exercise of a deductible option or but for a waiting period or percentage
 32 limitation, shall be allowed to recover against an owner, user, or operator
 33 of a motor vehicle, or against any person or organization legally
 34 responsible for the acts or omissions of such person, for damages for
 35 bodily injury caused by a motor vehicle accident, except in those cases
 36 in which there has been caused by a motor vehicle accident ONE OR MORE
 37 OF THE FOLLOWING:

38

39 (a) Death;

40

41 (b) (I) ~~Dismemberment~~ SERIOUS PERMANENT IMPAIRMENT OF
 42 BODILY FUNCTION;

43

44 (II) FOR THE PURPOSES OF THIS SECTION, "SERIOUS PERMANENT
 45 IMPAIRMENT OF BODILY FUNCTION" MEANS AN ACCIDENTAL AND
 46 OBJECTIVELY MANIFESTED SERIOUS AND PERMANENT IMPAIRMENT OF AN
 47 IMPORTANT BODY FUNCTION THAT SIGNIFICANTLY AFFECTS THE PERSON'S
 48 GENERAL ABILITY TO LEAD A NORMAL LIFE AS MANIFESTED BY THE
 49 PERSON'S SIGNIFICANT INABILITY TO PERFORM THE PRINCIPAL ECONOMIC
 50 OR NONECONOMIC ACTIVITIES THAT THE PERSON ENGAGED IN PRIOR TO THE
 51 ACCIDENT. A "SERIOUS PERMANENT IMPAIRMENT OF BODILY FUNCTION"
 52 MUST BE CLINICALLY ESTABLISHED ON THE BASIS OF OBJECTIVE
 53 DIAGNOSTIC TESTS AND MEASUREMENTS THAT ARE MEDICALLY
 54 RECOGNIZED.

55

56 (c) ~~Permanent disability;~~

1 (d) Permanent SERIOUS disfigurement.
2

3 (e) ~~Reasonable need for services of the type described in section
4 10-4-706 (1) (b) and (1) (c), (2) (a), or (3) (b) having a reasonable value
5 in excess of two thousand five hundred dollars. "Reasonable value" as
6 used in this paragraph (e) means the average cost of specific types of
7 services described in section 10-4-706 (1) (b) and (1) (c), (2) (a), or (3)
8 (b) in the state of Colorado as determined by the commissioner and
9 published not less than once each year. Notwithstanding the provisions
10 of this paragraph (e), no person shall be allowed to recover against an
11 owner, user, or operator of a motor vehicle used in a ridesharing
12 arrangement, as defined in section 10-4-707.5 (2), or against any person
13 or organization legally responsible for the acts or omissions of such
14 person for damages caused by a motor vehicle accident in which such
15 vehicle was involved, if such vehicle was in use at the time of the
16 accident in a ridesharing arrangement, as defined in section 10-4-707.5
17 (2), based on a reasonable need for services of the type described in
18 section 10-4-706 (1) (b) and (1) (c), (2) (a), or (3) (b) unless such services
19 have a reasonable value in excess of five thousand dollars.~~
20

21 (f) ~~Loss of earnings and loss of earning capacity extending beyond
22 the fifty-two week period provided in section 10-4-706 (1) (d) or (3) (e)
23 and not compensated by an applicable complying policy.~~
24

25 (2) ~~Nothing in this part 7 shall be construed to preclude recovery
26 against an alleged tort-feasor of benefits provided or economic loss
27 recoverable in excess of the minimum coverages required in section
28 10-4-706 (1) (b) to (1) (d), or, if applicable, to a person qualified under
29 section 10-4-706 (3), in excess of alternative coverages. THE ISSUES OF
30 WHETHER AN INJURED PERSON HAS SUFFERED SERIOUS PERMANENT
31 IMPAIRMENT OF BODILY FUNCTION OR PERMANENT SERIOUS
32 DISFIGUREMENT ARE QUESTIONS OF LAW FOR THE COURT IF THE COURT
33 FINDS EITHER:~~
34

35 (a) ~~THERE IS NO FACTUAL DISPUTE CONCERNING THE NATURE AND
36 EXTENT OF THE PERSON'S INJURIES; OR~~
37

38 (b) ~~THERE IS A FACTUAL DISPUTE CONCERNING THE NATURE AND
39 EXTENT OF THE PERSON'S INJURIES, BUT THE DISPUTE IS NOT MATERIAL TO
40 THE DETERMINATION AS TO WHETHER THE PERSON HAS SUFFERED A
41 SERIOUS PERMANENT IMPAIRMENT OF BODILY FUNCTION OR PERMANENT
42 SERIOUS DISFIGUREMENT. HOWEVER, FOR A TRAUMATIC BRAIN INJURY, A
43 QUESTION OF FACT FOR THE JURY IS CREATED IF A LICENSED
44 PSYCHOLOGIST, PSYCHIATRIST, ALLOPATHIC OR OSTEOPATHIC PHYSICIAN,
45 NEUROLOGIST, OR PHYSICAL MEDICINE AND REHABILITATION PHYSICIAN
46 WHO REGULARLY DIAGNOSES OR TREATS TRAUMATIC BRAIN INJURIES
47 TESTIFIES UNDER OATH THAT THERE IS A SERIOUS NEUROLOGICAL INJURY.~~
48

49 (3) ~~NOTHING IN THIS PART 7 SHALL BE CONSTRUED TO PRECLUDE
50 RECOVERY AGAINST AN ALLEGED TORT-FEASOR OF BENEFITS PROVIDED OR
51 ECONOMIC LOSS RECOVERABLE IN EXCESS OF THE MINIMUM COVERAGES
52 REQUIRED IN THIS PART 7.~~
53

54 **SECTION 15.** The introductory portion to 10-4-715 (1),
55 Colorado Revised Statutes, is amended, and the said 10-4-715 (1) is
56 further amended BY THE ADDITION OF A NEW PARAGRAPH, to

1 read:
2

3 **10-4-715. No limitation on tort action against noncomplying**
4 **tort-feasors.** (1) ON AND AFTER THE EFFECTIVE DATE OF SENATE BILL
5 03-078, nothing in this part 7 shall be construed to limit the right to
6 maintain an action in tort by either a provider of direct benefits under
7 section 10-4-706, ~~(1)(b) to (1)(e) or alternatively, as applicable, section~~
8 ~~10-4-706(2) or (3)~~ 10-4-706.1, 10-4-706.2, 10-4-706.4, OR 10-4-706.6 or
9 by a person who has been injured or damaged as a result of an automobile
10 accident against an alleged tort-feasor where such alleged tort-feasor was:
11 ~~either:~~
12

13 (e) A PERSON WHOSE LIABILITY DOES NOT ARISE OUT OF THE USE
14 OF A MOTOR VEHICLE BY THAT PERSON OR BY SOMEONE ELSE FOR WHOSE
15 NEGLIGENCE THE PERSON IS VICARIOUSLY OR DERIVATIVELY LIABLE.
16

17 **SECTION 16.** 10-4-716 (2), Colorado Revised Statutes, is
18 amended to read:
19

20 **10-4-716. Self-insurers.** (2) The commissioner may, in his or
21 her discretion, upon the application of ~~such person~~ A PERSON IN WHOSE
22 NAME MORE THAN TWENTY-FIVE MOTOR VEHICLES ARE REGISTERED, issue
23 a certificate of self-insurance when the commissioner is satisfied that
24 such person is able and will continue to be able to pay direct benefits as
25 required under section ~~10-4-706(1)(b) to (1)(e)~~ 10-4-706.6 (1) (a) and
26 to pay any and all judgments that may be obtained against such person.
27 Upon not less than five days' notice and a hearing pursuant to such notice,
28 the commissioner may, upon reasonable grounds, cancel a certificate of
29 self-insurance. ~~Failure to pay any benefits under section 10-4-706(1)(b)~~
30 ~~to (1)(e) or failure to pay any judgment within thirty days after such~~
31 ~~judgment shall have become final shall constitute a reasonable ground for~~
32 ~~the cancellation of a certificate of self-insurance.~~ IF THE COMMISSIONER
33 BELIEVES THAT THERE EXISTS REASONABLE GROUNDS TO SUSPEND THE
34 CERTIFICATE OF SELF-INSURANCE, THE COMMISSIONER MAY SCHEDULE A
35 HEARING TO SUSPEND THE SELF-INSURER'S CERTIFICATE, GIVING THE
36 SELF-INSURER AT LEAST FIVE DAYS NOTICE PRIOR TO THE DATE OF THE
37 HEARING. THE COMMISSIONER MAY, UPON FINDINGS OF FACT AND
38 CONCLUSIONS OF LAW, SUSPEND THE CERTIFICATE OF SELF-INSURANCE
39 AND ORDER OTHER RELIEF AVAILABLE UNDER THIS TITLE OR ARTICLE 4 OF
40 TITLE 24, C.R.S.
41

42 **SECTION 17.** The introductory portion to 10-4-717 (1) and
43 10-4-717 (1) (a) and (3), Colorado Revised Statutes, are amended to read:
44

45 **10-4-717. Intercompany arbitration.** (1) Every insurer licensed
46 to write motor vehicle insurance in this state shall be deemed to have
47 agreed: ~~as a condition to maintaining such license after January 1, 1974:~~
48

49 (a) That, where its insured is or would be held legally liable under
50 the provisions of section 10-4-713 (2) for the benefits paid by another
51 insurer described in section 10-4-706 ~~(1)(b) to (1)(e) or alternatively, as~~
52 ~~applicable, section 10-4-706 (2) or (3)~~ 10-4-706.1, 10-4-706.2,
53 10-4-706.4, OR 10-4-706.6, it will reimburse such other insurer to the
54 extent of such benefits but not in excess of the amount of damages so
55 recoverable for the type of loss covered by such benefits and only to the
56 extent of the alleged tort-feasor's insurance coverage in excess of

1 reasonable compensation paid to the injured person for such person's
 2 injury or damage by the alleged tort-feasor's insurer; and
 3

4 (3) Notwithstanding any statute of limitations to the contrary, any
 5 demand for initial arbitration proceedings shall be brought within one
 6 year ~~of~~ AFTER the first payment of any of the benefits described in section
 7 10-4-706, ~~(1) (b) to (1) (c) or alternatively, as applicable, section~~
 8 ~~10-4-706(2) or (3)~~ 10-4-706.1, 10-4-706.2, 10-4-706.4, OR 10-4-706.6 by
 9 the insurer claiming for reimbursement. Arbitration proceedings need not
 10 await final payment of benefits, and the award, if any, shall include
 11 provisions for reimbursement of subsequent benefits. Proceedings may
 12 be reopened to challenge the propriety of payments subsequently made,
 13 but no question of fact decided by a prior award shall be reconsidered in
 14 any such subsequent hearing.
 15

16 **SECTION 18.** 10-4-720 (1), Colorado Revised Statutes, is
 17 amended to read:
 18

19 **10-4-720. Cancellation - renewal - reclassification.** (1) Except
 20 in accordance with the provisions of this part 7, no insurer shall:
 21

22 (a) Cancel or fail to renew a policy of insurance ~~which~~ THAT
 23 complies with this part 7, issued in this state, as to THE NAMED INSURED,
 24 RESIDENT SPOUSE, OR any resident of the household of the named insured,
 25 for any reason other than nonpayment of premium, ~~or~~ FRAUD,
 26 CONCEALMENT, OR MATERIAL MISREPRESENTATION BY THE NAMED
 27 INSURED, RESIDENT SPOUSE, OR A RESIDENT RELATIVE, IN CONNECTION
 28 WITH THE APPLICATION FOR INSURANCE OR ANY CLAIM FOR BENEFITS;
 29

30 (b) Increase a premium for any coverage on any such policy,
 31 unless the increase is part of a general increase in premiums filed with the
 32 commissioner and does not result from a reclassification of the insured;
 33 or
 34

35 (c) Reduce the coverage under any such policy, unless the
 36 reduction is part of a general reduction in coverage filed with the
 37 commissioner or to satisfy the requirements of other sections of this part
 38 7.
 39

40 **SECTION 19.** 10-4-721 (1), Colorado Revised Statutes, is
 41 amended to read:
 42

43 **10-4-721. Exclusion of named driver.** (1) ON AND AFTER THE
 44 EFFECTIVE DATE OF SENATE BILL 03-078, in any case where an insurer is
 45 authorized under this part 7 to cancel or refuse to renew or increase the
 46 premiums on an automobile liability insurance policy under which more
 47 than one person is insured because of the claim experience or driving
 48 record of ~~one or more but less than all of the persons insured under the~~
 49 ~~policy~~ A PERSON OTHER THAN THE NAMED INSURED, the insurer shall in
 50 lieu of cancellation, nonrenewal, or premium increase offer to continue
 51 or renew the insurance but to exclude from coverage, by name, the person
 52 whose claim experience or driving record would have justified the
 53 cancellation or nonrenewal. The premiums charged on any such policy
 54 excluding a named driver shall not reflect the claims, experience, or
 55 driving record of the excluded named driver.
 56

1 **SECTION 20.** 10-4-726, Colorado Revised Statutes, is amended
2 to read:

3
4 **10-4-726. Repeal of part.** (1) This part 7 is repealed, effective
5 July 1, ~~2003~~ 2006.

6
7 (2) (a) ON OR BEFORE FEBRUARY 1, 2006, THE DEPARTMENT OF
8 REGULATORY AGENCIES SHALL CONDUCT A REVIEW AND EVALUATION OF
9 THE IMPACT ON CONSUMERS AND THE INSURANCE INDUSTRY OF THE
10 REFORMS ENACTED IN SENATE BILL 03-078. THE DEPARTMENT OF
11 REGULATORY AGENCIES SHALL SUBMIT A REPORT OF SUCH EVALUATION TO
12 THE BUSINESS AFFAIRS AND LABOR COMMITTEES OF THE HOUSE OF
13 REPRESENTATIVES AND THE SENATE.

14
15 (b) THE DEPARTMENT OF REGULATORY AGENCIES SHALL INCLUDE
16 AN ANALYSIS OF THE COST SAVINGS REALIZED BY THE IMPLEMENTATION OF
17 THE PROVISIONS OF SENATE BILL 03-078 WITHIN ITS REPORT PURSUANT TO
18 PARAGRAPH (a) OF THIS SUBSECTION (2).

19
20 **SECTION 21.** 10-4-609, Colorado Revised Statutes, is amended
21 BY THE ADDITION OF A NEW SUBSECTION to read:

22
23 **10-4-609. Insurance protection against uninsured motorists -**
24 **applicability.** (6) (a) ON AND AFTER THE EFFECTIVE DATE OF SENATE
25 BILL 03-078, AN INSURER SHALL BE DEEMED TO HAVE COMPLIED WITH THE
26 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION AND THE EXCLUSION
27 OF THE INSURED FROM UNINSURED MOTORIST COVERAGE SHALL BE
28 DEEMED VALID IF THE NAMED INSURED HAS REJECTED THE UNINSURED
29 MOTORIST COVERAGE IN WRITING. SUCH EXCLUSION SHALL CONTINUE
30 UNTIL SUCH TIME AS THE INSURED REQUESTS THAT THE INSURER PROVIDE
31 UNINSURED MOTORIST COVERAGE. UNINSURED AND UNDERINSURED
32 MOTORIST COVERAGE MAY BE PURCHASED AT A REDUCED PREMIUM IF IT
33 DOES NOT APPLY TO BODILY INJURY, SICKNESS, DISEASE, OR DEATH
34 RESULTING THEREFROM OF AN INSURED WHILE OCCUPYING A MOTOR
35 VEHICLE OWNED BY, OR FURNISHED, OR AVAILABLE FOR THE REGULAR USE
36 OF THE INSURED, A RESIDENT SPOUSE, OR RESIDENT RELATIVE, IF SUCH
37 MOTOR VEHICLE IS NOT DESCRIBED IN THE POLICY UNDER WHICH A CLAIM
38 IS MADE OR IS NOT A NEWLY ACQUIRED OR REPLACEMENT MOTOR VEHICLE
39 COVERED UNDER THE TERMS OF THE POLICY.

40
41 (b) OWNED-BUT-UNINSURED EXCLUSIONS ARE PERMISSIBLE IN THIS
42 STATE. OWNED-BUT-UNINSURED EXCLUSIONS MAY BE INCLUDED IN
43 MOTOR VEHICLE INSURANCE POLICIES AND UNINSURED OR UNDERINSURED
44 COVERAGE MUST BE PURCHASED OR REJECTED ON A VEHICLE-BY-VEHICLE
45 BASIS. UNINSURED AND UNDERINSURED MOTORIST COVERAGE MAY BE
46 PURCHASED AT A REDUCED PREMIUM IF IT DOES NOT APPLY TO BODILY
47 INJURY, SICKNESS, DISEASE, OR DEATH RESULTING THEREFROM OF AN
48 INSURED WHILE OCCUPYING A MOTOR VEHICLE OWNED BY, OR FURNISHED,
49 OR AVAILABLE FOR THE REGULAR USE OF THE INSURED, A RESIDENT
50 SPOUSE, OR RESIDENT RELATIVE, IF SUCH MOTOR VEHICLE IS NOT
51 DESCRIBED IN THE POLICY UNDER WHICH A CLAIM IS MADE OR IS NOT A
52 NEWLY ACQUIRED OR REPLACEMENT MOTOR VEHICLE COVERED UNDER THE
53 TERMS OF THE POLICY.

54
55 **SECTION 22.** Part 6 of article 4 of title 10, Colorado Revised
56 Statutes, is amended BY THE ADDITION OF A NEW SECTION to

1 read:

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3

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10 **SECTION 23.** 10-3-207 (1) (d), Colorado Revised Statutes, is
11 amended to read:

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10-4-616. Comprehensive coverage. AN INSURER SHALL OFFER COMPREHENSIVE PROPERTY DAMAGE COVERAGE FOR A MOTOR VEHICLE SUBJECT TO REASONABLE DEDUCTIBLES OF AT LEAST TWO HUNDRED FIFTY, FIVE HUNDRED, AND ONE THOUSAND DOLLARS, AND IN ANY OTHER AMOUNT AS IT DEEMS APPROPRIATE. AN INSURER MAY ALSO OFFER REASONABLE COINSURANCE AMOUNTS AS IT DEEMS APPROPRIATE.

SECTION 23. 10-3-207 (1) (d), Colorado Revised Statutes, is amended to read:

10-3-207. Fees paid by insurance companies. (1) There shall be paid to the division of insurance by every entity regulated by the division of insurance in this state the following:

(d) (I) In addition to any fee collected under paragraph (a) or (b) of this subsection (1), every insurance entity authorized to write private passenger automobile insurance coverage shall pay an annual fee not to exceed four hundred dollars to fund the costs of establishing and administering the PIP examination program established in section 10-4-706 AND ANY NECESSARY RULES PROMULGATED AND OTHER EXPENSES INCURRED BY THE DIVISION IN RESPONSE TO THE ENACTMENT OF SENATE BILL 03-078. Such fee shall be set by rule promulgated by the commissioner. Fees collected under this paragraph (d) shall be transmitted to the state treasurer, who shall credit the same to the division of insurance cash fund created in section 10-1-103 (3).

(II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2008.

SECTION 24. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 25. Effective date - applicability. (1) (a) Section 14 shall take effect on passage and apply to tort actions filed on or after passage; and

(b) Sections 14, 15, 19, 20, 21, 24, 25, and 26 shall take effect upon passage.

(2) The remaining sections of this act shall take effect January 1, 2004, and shall apply to insurance policies issued or renewed and motor vehicle accidents occurring on or after said date.

SECTION 26. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, strike line 102 and substitute the following:

"COMMISSIONER, AND, IN CONNECTION THEREWITH, EXTENDING REQUIRED MOTOR VEHICLE INSURANCE."

1 **SB03-240** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend reengrossed bill, page 2, after line 1, insert the following:
6

7 "SECTION 1. 8-42-107 (8) (b.5) (I) (D), (8) (b.5) (II), and (8)
8 (c), Colorado Revised Statutes, are amended to read:
9

10 **8-42-107. Permanent partial disability benefits - schedule -**
11 **medical impairment benefits - how determined.** (8) **Medical**
12 **impairment benefits - determination of MMI for scheduled and**
13 **nonscheduled injuries.** (b.5) When an authorized treating physician
14 providing primary care who is not accredited under the level II
15 accreditation program pursuant to section 8-42-101 (3.5) makes a
16 determination that an employee has reached maximum medical
17 improvement, the following procedures shall apply:
18

19 (I) (D) If the employee, insurer, or self-insured employer disputes
20 a medical impairment rating, including a finding that there is no medical
21 impairment, made pursuant to sub-subparagraph (A) of this subparagraph
22 (I), the parties to the dispute may select an independent medical examiner
23 in accordance with section 8-42-107.2 to review the rating. The cost of
24 such independent medical examination shall be borne by the requesting
25 party. The finding of such independent medical examiner shall be
26 overcome only by clear and convincing evidence. Any review by an
27 independent medical examiner shall be based on the employee's written
28 medical records only, without further examination, unless a party to the
29 dispute requests that such review include a physical examination by the
30 independent medical examiner. EXCEPT WHEN THE PROVISIONS OF
31 SECTION 8-42-107.2 (5) (b) APPLY, the party requesting a physical
32 examination shall pay all additional costs, including, if applicable, the
33 reasonable cost of returning the employee to Colorado.
34

35 (II) If the employee is a state resident, such physician shall, within
36 twenty days after the determination of maximum medical improvement,
37 determine whether the employee has sustained any permanent
38 impairment. If the employee has sustained any permanent impairment,
39 such physician shall refer such employee to a level II accredited physician
40 for a medical impairment rating, which shall be based on the revised third
41 edition of the "American Medical Association Guides to the Evaluation
42 of Permanent Impairment". If the referral is not timely made by the
43 authorized treating physician, the insurer or self-insured employer shall
44 refer the employee to a level II accredited physician within forty days
45 after the determination of maximum medical improvement. If the
46 employee, insurer, or self-insured employer disputes the finding regarding
47 permanent medical impairment, including a finding that there is no
48 permanent medical impairment, the parties to the dispute may select an
49 independent medical examiner in accordance with section 8-42-107.2.
50 ~~The cost of such independent medical examination shall be borne by the~~
51 ~~requesting party.~~ The finding of any such independent medical examiner
52 shall be overcome only by clear and convincing evidence.
53

54 (c) When the injured employee's date of maximum medical
55 improvement has been determined pursuant to paragraph (b) of this
56 subsection (8), and there is a determination that permanent medical

1 impairment has resulted from the injury, the authorized treating physician
2 shall determine a medical impairment rating as a percentage of the whole
3 person based on the revised third edition of the "American Medical
4 Association Guides to the Evaluation of Permanent Impairment", in effect
5 as of July 1, 1991. Except for a determination by the authorized treating
6 physician providing primary care that no permanent medical impairment
7 has resulted from the injury, any physician who determines a medical
8 impairment rating shall have received accreditation under the level II
9 accreditation program pursuant to section 8-42-101. For purposes of
10 determining levels of medical impairment, the physician shall not render
11 a medical impairment rating based on chronic pain without anatomic or
12 physiologic correlation. Anatomic correlation must be based on objective
13 findings. If either party disputes the authorized treating physician's
14 finding of medical impairment, including a finding that there is no
15 permanent medical impairment, the parties may select an independent
16 medical examiner in accordance with section 8-42-107.2. ~~The cost of~~
17 ~~such independent medical examination shall be borne by the requesting~~
18 ~~party.~~ The finding of such independent medical examiner shall be
19 overcome only by clear and convincing evidence. A hearing on this
20 matter shall not take place until the finding of the independent medical
21 examiner has been filed with the division."

22

23 Renumber succeeding sections accordingly.

24

25 Page 2, line 2, strike "(3), Colorado Revised Statutes, is", and substitute
26 "(3) and (5), Colorado Revised Statutes, are".

27

28 Page 3, line 14, strike "PHYSICIANS." and substitute "PHYSICIANS OR
29 SPECIALISTS."

30

31 Page 4, after line 13, insert the following:

32

33 "(5) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS
34 SUBSECTION (5), the requesting party shall advance the full cost of the
35 independent medical examination to the IME at least ten days before the
36 appointed time for the examination.

37

38 (b) A CLAIMANT WHO HAS ESTABLISHED THAT HE OR SHE IS
39 INDIGENT SHALL RECEIVE AN INDEPENDENT MEDICAL EXAMINATION
40 WITHOUT HAVING TO ADVANCE THE COST TO THE INDEPENDENT MEDICAL
41 EXAMINER. THE DIRECTOR OF THE DIVISION OF WORKERS' COMPENSATION
42 SHALL PROMULGATE RULES TO ESTABLISH A PROCEDURE TO DETERMINE
43 INDIGENCE."

44

45

46

47

48 **FINANCE**49 After consideration on the merits, the Committee recommends the
50 following:

51

52 **HB03-1315** be amended as follows, and as so amended, be referred to
53 the Committee of the Whole with favorable
54 recommendation:

55

1 Amend printed bill, page 5, line 23, after the period, add "PRIOR TO
2 ENTERING INTO AN AGREEMENT WITH THE NONPROFIT CORPORATION
3 CREATED PURSUANT TO SECTION 24-82-703, A STATE AGENCY SHALL
4 REQUEST, AND, WITHIN EXISTING RESOURCES, THE STATE TREASURER
5 SHALL PROVIDE, TECHNICAL SUPPORT TO THE AGENCY IN DEVELOPING THE
6 FINANCIAL ASPECTS OF THE TERMS OF THE AGREEMENT.".

7
8
9

10 **SB03-317** be amended as follows, and as so amended, be referred to
11 the Committee on Appropriations with favorable
12 recommendation:
13

14 Amend reengrossed bill, page 2, line 16, strike "2006, AND LESS TWO" and
15 substitute "2005, AND LESS TWO AND ONE-THIRD";

16
17 line 18, strike "2006," and substitute "2005,".

18
19 Page 3, line 12, strike "2006, AND LESS TWO" and substitute "2005, AND
20 LESS TWO AND ONE-THIRD";

21
22 line 13, strike "2006." and substitute "2005.".

23
24 Page 4, line 1, strike "2006, AND LESS THE TWO" and substitute "2005,
25 AND LESS THE TWO AND ONE-THIRD";

26
27 line 3, strike "2006," and substitute "2005,";

28
29 line 12, strike "2006," and substitute "2005,";

30
31 line 13, after "TWO", insert "AND ONE-THIRD";

32
33 line 16, strike "2006." and substitute "2005.";

34
35 line 27, strike "2006," and substitute "2005,".

36
37 Page 5, line 2, strike "2006," and substitute "2005,";

38
39 line 20, strike "2006, AND LESS TWO" and substitute "2005, AND LESS TWO
40 AND ONE-THIRD";

41
42 line 22, strike "2006," and substitute "2005,".

43
44
45
46

47 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

48 After consideration on the merits, the Committee recommends the
49 following:

50
51 **SB03-019** be referred favorably to the Committee on Appropriations.

52
53
54
55

1 **STATE, VETERANS, & MILITARY AFFAIRS**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **SB03-082** be postponed indefinitely.

6
7
8 **SJR03-029** be referred out for final action.

9
10
11
12
13 **TRANSPORTATION & ENERGY**

14 After consideration on the merits, the Committee recommends the
15 following:

16
17 **HB03-1343** be amended as follows, and as so amended, be referred to
18 the Committee on Appropriations with favorable
19 recommendation:

20
21 Amend printed bill, page 3, line 4, strike "(3) and (4)," and substitute
22 "(3),";

23
24 line 5, strike "are" and substitute "is";

25
26 strike lines 11 through 14;

27
28 line 15, strike "(1) (b), (1) (g), (1) (i),";

29
30 strike lines 16 and 17 and substitute the following:

31
32 "(4), (6) (a) (II), and (6) (a) (III),";

33
34 line 18, strike "(7) (g),";

35
36 strike lines 20 through 27.

37
38 Page 4, strike lines 1 through 7 and substitute the following:

39
40 **"alcoholic content - penalties.** (2) (a) It is a misdemeanor for any
41 person to drive any vehicle in";

42
43 line 24, strike "~~DWAI~~," and substitute "DWAI,";

44
45 line 27, after "SE,", insert "DWAI,".

46
47 Page 5, strike lines 4 through 10;

48
49 line 11, strike "DUI, ~~or DWAI~~" and substitute "DUI or DWAI,";

50
51 strike lines 15 through 24 and substitute the following:

52
53 "(II) If at such time the defendant's BAC was in excess of 0.05 but
54 less than ~~0.10~~ 0.08, such fact gives rise to the permissible inference that
55 the defendant's ability to operate a vehicle was impaired by the
56 consumption of alcohol, and such fact may also be considered with other

1 competent evidence in determining whether or not the defendant was
2 under the influence of alcohol."

3

4 Strike pages 6 through 10.

5

6 Page 11, strike lines 1 through 22.

7

8 Renumber succeeding sections accordingly.

9

10 Page 11, line 23, strike "(2)," and substitute "(2) (b) and (2) (c)," and
11 strike "is" and substitute "are".

12

13 Page 12, strike lines 4 through 14 and substitute the following:

14

15 "(b) If there was at such time in excess of 0.05 but less than ~~0.10~~
16 0.08 grams of alcohol per one hundred milliliters of blood, or if there was
17 at such time in excess of 0.05 but less than ~~0.10~~ 0.08 grams of alcohol per
18 two hundred ten liters of breath, such fact may be considered with other
19 competent evidence in determining whether or not the defendant was
20 under the influence of alcohol.";

21

22 line 19, strike "(2)," and substitute "(2) (b) and (2) (c)," and strike "is"
23 and substitute "are";

24

25 strike line 27.

26

27 Page 13, strike lines 1 through 10 and substitute the following:

28

29 "(b) If there was at such time in excess of 0.05 but less than ~~0.10~~
30 0.08 grams of alcohol per one hundred milliliters of blood, or if there was
31 at such time in excess of 0.05 but less than ~~0.10~~ 0.08 grams of alcohol per
32 two hundred ten liters of breath, such fact may be considered with other
33 competent evidence in determining whether or not the defendant was
34 under the influence of alcohol.";

35

36 strike lines 15 through 27.

37

38 Page 14, strike lines 1 through 7.

39

40 Renumber succeeding sections accordingly.

41

42 Page 14, strike lines 8 through 11 and substitute the following:

43

44 "**SECTION 6.** 42-2-126 (2) (a) (I.5) and (5) (a) (I), the
45 introductory portion to 42-2-126 (6) (b) (II.5), and 42-2-126 (9) (c) (II),
46 Colorado Revised Statutes, are amended to read:";

47

48 strike lines 15 through 27 and substitute the following:

49

50 "(I.5) Drove a vehicle in this state when such person was under
51 twenty-one years of age and when the amount of alcohol, as shown by
52 analysis of the person's blood or breath, in such person's blood was in
53 excess of 0.05 but less than ~~0.10~~ 0.08 grams of alcohol per one hundred
54 milliliters of blood or in excess of 0.05 but less than ~~0.10~~ 0.08 grams of
55 alcohol per two hundred ten liters of breath at the time of driving or
56 within two hours after driving. If the preponderance of the evidence

- 1 establishes that such person consumed alcohol between the time that the
2 person stopped driving and the time of testing, the preponderance of the
3 evidence must also establish that the minimum required blood or breath
4 alcohol content was reached as a result of alcohol consumed before the
5 person stopped driving."
6
7 Page 15, strike lines 1 through 20.
8
9 Page 16, line 3, strike "~~not in excess of 0.05~~ LESS" and substitute "not in
10 excess of 0.05";
11
12 line 4, strike "THAN 0.08";
13
14 strike lines 11 through 23;
15
16 strike lines 26 and 27.
17
18 Strike pages 17 and 18.
19
20 Page 19, strike lines 1 through 4;
21
22 line 5, before "(II)", insert "(9) (c)";
23
24 strike line 27.
25
26 Strike pages 20 through 22.
27
28 Page 23, strike 1 through 19.
29
30 Renumber succeeding sections accordingly.
31
32 Page 25, line 16, strike "MAY BE IN OPEN CONTAINERS AND MAY" and
33 substitute "SHALL BE IN OPEN CONTAINERS AND SHALL";
34
35 line 18, strike "SEVEN" and substitute "SIX";
36
37 line 19, strike "SUNDAY" and substitute "MONDAY".
38
39 Page 30, line 26, after "OF" insert "PARTIALLY CONSUMED".
40
41 Page 31, strike lines 2 through 4 and substitute the following:
42
43 **"SECTION 13. Effective date - applicability.** (1) This act
44 shall take effect at 12:01 a.m. on the day following the expiration of the
45 ninety-day period after final adjournment of the general assembly that is
46 allowed for submitting a referendum petition pursuant to article V,
47 section 1 (3) of the state constitution; except that:
48
49 (a) If a referendum petition is filed against this act or an item,
50 section, or part of this act within such period, then the act, item, section,
51 or part, if approved by the people, shall take effect on the date of the
52 official declaration of the vote thereon by proclamation of the governor;
53 and
54
55 (b) Unless a referendum petition is filed against these sections,
56 Sections 2 through 6 of this act shall take effect";

1 strike lines 11 through 17;
 2
 3 strike line 27.
 4
 5 Strike page 32.

6
 7
 8
 9 **REPORT FROM THE SENATE AND HOUSE**
 10 **COMMITTEES ON DELAYED BILLS**

11
 12 Pursuant to Joint Rule 23 (c), the House and Senate Committees on
 13 Delayed Bills, acting jointly, extend the following deadline for Senate
 14 Bill No. 03-248, Concerning the Financing of Public Schools and Making
 15 an Appropriation Therefor:

16
 17 The Friday, March 14 deadline (the 66th legislative day) for final
 18 passage, including any conference committee report, for any bill
 19 prescribing all or a substantial portion of the total funding for public
 20 schools pursuant to the "Public School Finance Act of 1994", article 54
 21 of title 22, Colorado Revised Statutes, as extended until Friday, March
 22 28, 2003 (the 80th legislative day), Friday, April 4, 2003 (the 87th
 23 legislative day), and Friday, April 18, 2003 (the 101st legislative day) is
 24 further extended until Monday April 21, 2003 (the 104th legislative day).

25
 26 This memorandum shall be printed in the journal of each house as is
 27 required by said Joint Rule 23 (c).

28
 29 (signed) (signed)
 30 Lola Spradley John Andrews
 31 Keith King Norma Anderson
 32 Jennifer Veiga Joan Fitz-Gerald

33
 34
 35
 36 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
 37 **on SB03-009**

38
 39 This Report Amends the Rerevised Bill.

40
 41 To the President of the Senate and the
 42 Speaker of the House of Representatives:

43
 44 Your first conference committee appointed on SB03-009,
 45 concerning fingerprint-based criminal history record checks for
 46 emergency medical technician certificate applicants, has met and reports
 47 that it has agreed upon the following:

48
 49 1. That the Senate accede to the House amendments made to the
 50 bill, as the amendments appear in the rerevised bill.

51
 52 2. That, under the authority granted the committee to consider
 53 matters not at issue between the two houses, the following amendments
 54 be recommended:

55
 56 Amend rerevised bill, page 4, line 23, after "A", insert "SUBSEQUENT" and

1 strike "CHECK AT" and substitute "CHECK.";

2

3 strike line 24.

4

5 Page 5, line 8, after "A", insert "SUBSEQUENT" and strike "CHECK AT" and
6 substitute "CHECK.";

7

8 strike line 9.

9

10 Respectfully submitted,

11 Senate Committee:

12 Steve Johnson

13 Ken Kester

14 Ron Tupa

House Committee:

Shawn Mitchell

Tim Fritz

Fran Coleman

15

16

17

18 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
19 **on SB03-300**

20

21 This Report Amends the Rerevised Bill.

22

23 To the President of the Senate and the
24 Speaker of the House of Representatives:

25

26 Your first conference committee appointed on SB03-300,
27 concerning the imposition of a management fee on certain funds that are
28 invested by the state treasurer, has met and reports that it has agreed upon
29 the following:

30

31 1. That the Senate accede to the House amendments made to the
32 bill, as said amendments appear in the rerevised bill, with the following
33 changes:

34

35 Amend rerevised bill, page 3, line 27, strike "2004." and substitute
36 "2006."

37

38 2. That, under the authority granted the committee to consider
39 matters not at issue between the two houses, the following amendment be
40 recommended:

41

42 Amend rerevised bill, page 2, after line 1, insert the following:

43

44 **"SECTION 1.** 24-36-102 (1), Colorado Revised Statutes, is
45 amended to read:

46

47 **24-36-102. Function of department - employees.** (1) The
48 principal function of the treasury department is to receive all state
49 moneys collected by or otherwise coming into the hands of any officer,
50 department, institution, or agency of the state government as required in
51 section 24-36-103 (1) and to deposit and disburse the same in the manner
52 prescribed by law. It shall have no tax collection or enforcement
53 functions whatsoever. IN ORDER TO PERFORM THE PRINCIPAL FUNCTION
54 OF THE TREASURY DEPARTMENT, THE STATE TREASURER MAY CONTRACT
55 FOR SERVICES IN ORDER TO COMPLY WITH STATUTORY MANDATES AND TO
56 ENSURE THAT THE STATE RECEIVES ALL REVENUE ACCRUING TO IT

1 PURSUANT TO SUCH MANDATES. FEES FOR SUCH SERVICES SHALL BE
 2 CONTINUOUSLY APPROPRIATED FROM REVENUES RECEIVED THROUGH SUCH
 3 SERVICES AND SHALL NOT BE APPROPRIATED FROM THE GENERAL FUND.".

4
 5 Renumber succeeding sections accordingly.

6
 7 Respectfully submitted,

8 Senate Committee:

9 Ron Teck

10 Dave Owen

11 Peggy Reeves

House Committee:

Brad Young

John Witwer

Tom Plant

15 PRINTING REPORT

17 The Chief Clerk reports the following bill has been correctly printed:
 18 **HB03-1363.**

22 SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

24 The Speaker has signed: **SB03-015, 044, 056, 079, 102, 107, 120, 233,**
 25 **241.**

29 MESSAGES FROM THE SENATE

31 Madam Speaker:

33 The President appointed Senators Cairns, Chm., Lamborn, and Nichol as
 34 members of the First Conference Committee on HB03-1290.

36 The President appointed Senators Dyer, Chm., Jones, and Tupa as
 37 members of the First Conference Committee on HB03-1172.

39 The President appointed Senators Dyer, Chm., Hillman, and Hagedorn as
 40 members of the First Conference Committee on HB03-1240.

42 The President appointed Senators Dyer, Chm., Hillman, and Gordon as
 43 members of the First Conference Committee on HB03-1228.

45 The Senate granted permission to members of the First Conference
 46 Committee on HB03-1253 to consider matters not at issue between the
 47 two houses.

49 The Senate has adopted the First Report of the First Conference
 50 Committee on SB03-305, as printed in Senate Journal, April 16, pages
 51 1065-1067, and repassed the bill as amended.

54 The Senate has adopted the First Report of the First Conference Committee on
 55 SB03-284, as printed in Senate Journal, April 17, pages 1092-1093 and repassed
 56 the bill as amended.

1 The Senate has adopted the First Report of the First Conference Committee on
2 SB03-290, as printed in Senate Journal April 17, pages 1088-1089 and repassed
3 the bill as amended.

4
5 The Senate granted permission to members of the First Conference Committee
6 on SB03-282 to consider matters not at issue between the two houses.

7
8 The Senate granted permission to members of the First Conference Committee
9 on HB03-1305 to consider matters not at issue between the two houses.

10

11

12 The Senate has adopted and returns herewith:
13 HJR03-1016, amended as printed in Senate Journal, April 11, 2003,
14 pages 1011-1012.

15

16 The Senate has adopted and returns herewith: HJR03-1017, 1027, 1033, 1050.

17

18 The Senate has adopted and transmits herewith: SJR03-032, 041.

19

20 The Senate has voted not to concur in House Amendments to SB03-248 and
21 requests that a Conference Committee be appointed. The President appointed
22 Senators Anderson, Chm., Arnold, and Windels as members of the First
23 Conference Committee on the part of the Senate. The bill is transmitted
24 herewith.

25

26

27 The Senate has passed on Third Reading and transmitted to the Revisor of
28 Statutes:

29

30 SB03-73, amended as printed in Senate Journal, April 17, 2003,
31 pages 1078-1086.

32 SB03-87, amended as printed in Senate Journal, April 16, 2003,
33 pages 1057-1061 and in Senate Journal, April 17, page 1086.

34 HB03-1322, amended as printed in Senate Journal, April 17, 2003, page 1086.

35

36

37 The Senate voted to recall HB03-1224 for purposes of reconsideration, and
38 requests the return of the bill.

39

40 The Senate voted to adhere to its position on SB03-126.

41

42 The Senate has voted to reconsider and voted not to concur in House
43 Amendments to SB03-271 and requests that a Conference Committee be
44 appointed. The President appointed Senators Owen, Chm., Teck, and Reeves
45 as members of the First Conference Committee on the part of the Senate. The
46 Senate granted permission to members of the First Conference Committee to
47 consider matters not at issue between the two houses. The bill is transmitted
48 herewith.

49

50

51

52 **MESSAGE FROM THE REVISOR**

53

54 We herewith transmit:

55 Without comment, as amended, SB03-73, 87 and HB03-1322.

56

MESSAGES FROM THE GOVERNOR1
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I certify I received the following on the 17th day of April, 2003, at 4:15 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

April 17, 2003

Judith Rodrigue,
Chief Clerk of the House

To the Honorable
House of Representatives
Sixty-fourth General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following acts:

HB03-1232 Concerning Evidence Of Admissions In Civil Proceedings Related To The Provision Of Medical Care.

Approved April 17, 2003 at 9:38 A.M.

HB03-1255 Concerning The Enhancement Of Patient Safety Through The Confidential Analysis Of Health Care Information By Nongovernmental Patient Safety Organizations.

Approved April 17, 2003 at 9:42 A.M.

Sincerely,
(signed)
Bill Owens
Governor

I certify I received the following on the 18th day of April, 2003, at 11:15 a.m. The original is on file in the records of the House of Representatives of the General Assembly.

April 17, 2003

Judith Rodrigue,
Chief Clerk of the House

To the Honorable
House of Representatives
Sixty-fourth General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following acts:

- 1 **HB03-1006** Concerning Provisional Ballots.
2
3 Approved April 17, 2003 at 4:07 p.m.
4
- 5 **HB03-1008** Concerning Conservation Easements For Appurtenant
6 Water Rights.
7
8 Approved April 17, 2003 at 4:08 p.m.
9
- 10 **HB03-1010** Concerning The Frequency Of Applications Necessary To
11 Qualify For Disabled Veteran License Plates.
12
13 Approved April 17, 2003 at 4:10 p.m.
14
- 15 **HB03-1117** Concerning Protection Orders.
16
17 Approved April 17, 2003 at 4:12 p.m.
18
- 19 **HB03-1020** Concerning Forgery.
20
21 Approved April 17, 2003 at 4:14 p.m.
22
- 23 **HB03-1026** Concerning The Authority Of Public Health Agencies To
24 Release To Law Enforcement Officials Information
25 Related To Bioterrorism.
26
27 Approved April 17, 2003 at 4:19 p.m.
28
- 29 **HB03-1046** Concerning The Creation Of A Conservation Easement In
30 Gross Through A Reservation.
31
32 Approved April 17, 2003 at 4:21 p.m.
33
- 34 **HB03-1053** Concerning Emissions Testing For Diesel Vehicles.
35
36 Approved April 17, 2003 at 4:23 p.m.
37
- 38 **HB03-1097** Concerning The Regulation Of The Hunting Of Wildlife.
39
40 Approved April 17, 2003 at 4:25 p.m.
41
- 42 **HB03-1100** Concerning The Management Of Natural Resources On
43 Federal Land.
44
45 Approved April 17, 2003 at 4:26 p.m.
46
- 47 **HB03-1153** Concerning The Conduct Of Absentee Mail Ballot
48 Elections.
49
50 Approved April 17, 2003 at 4:30 p.m.
51
- 52 **HB03-1159** Concerning Certification Of Education Paraprofessionals.
53
54 Approved April 17, 2003 at 4:35 p.m.
55

- 1 **HB03-1175** Concerning Numbers To Identify Postsecondary
2 Education Students.
3
4 Approved April 17, 2003 at 4:36 p.m.
5
- 6 **HB03-1186** Concerning The Assertion Of Claims For Exemplary
7 Damages.
8
9 Approved April 17, 2003 at 4:40 p.m.
10
- 11 **HB03-1205** Concerning The Refund Of Beef Board Fees By The
12 Board Of Directors Of The Colorado Beef Council
13 Authority.
14
15 Approved April 17, 2003 at 4:41 p.m.
16
- 17 **HB03-1212** Concerning Restitution Orders Entered In Criminal Cases.
18
19 Approved April 17, 2003 at 4:45 p.m.
20
- 21 **HB03-1257** Concerning A Nonsubstantive Recodification Of
22 Colorado's Banking Laws.
23
24 Approved April 17, 2003 at 4:50 p.m.
25

26 Sincerely,
27 (signed)
28 Bill Owens
29 Governor

30 _____

31
32
33 I certify I received the following on the 18th day of April, 2003, at
34 2:28 p.m. The original is on file in the records of the House of
35 Representatives of the General Assembly.

36
37 Judith Rodrigue,
38 Chief Clerk of the House

39 April 18, 2003
40
41 To the Honorable
42 House of Representatives
43 Sixty-fourth General Assembly
44 First Regular Session
45 Denver, CO 80203

46
47 Ladies and Gentlemen:

48
49 I have the honor to inform you that I have approved and filed with the
50 Secretary of State the following acts:

- 51
- 52 **HB03-1108** Concerning A Standard Policy For Accepting International
53 Baccalaureate Diploma Students In Colorado Institutions
54 Of Higher Education.
55
56 Approved April 18, 2003 at 2:02 p.m.

1 **HB03-1127** Concerning Allegations Against Education Providers.

2

3

Approved April 18, 2003 at 2:05 p.m.

4

5 Sincerely,

6 (signed)

7 Bill Owens

8 Governor

9

10

11

12

INTRODUCTION OF BILLS
First Reading

13

14

15 The following bills were read by title and referred to the committees
16 indicated:

17

18 **HB03-1364** by Representative(s) Cerbo--Concerning minimum staffing
19 levels for health care facilities that employ nurses.

20 Committee on Information & Technology

21

22

23 **HB03-1365** by Representative(s) Berry--Concerning the "Low-income
24 Energy Assistance Act.

25 Committee on Transportation & Energy

26

27

28 **HB03-1366** by Representative(s) White; also Senator(s) Anderson--
29 Concerning a limitation on supersedeas bonds.

30 Committee on Finance

31

32

33 **HB03-1367** by Representative(s) Cloer, Larson, Stafford, Briggs,
34 Harvey, McFadyen, Merrifield, Ragsdale, Sinclair,
35 Spence, Wiens, Williams S.; also Senator(s) Nichol,
36 Lamborn, Johnson S.--Concerning the issuance of a
37 military valor special license plate to persons who have
38 received a military award for valor.

39 Committee on Transportation & Energy

40

41 **SB03-010** by Senator(s) Tupa, Anderson, Takis, Taylor; also
42 Representative(s) White, Coleman, Vigil, Williams T.--
43 Concerning the criminal history record check requirement
44 for persons who apply to work in positions involving
45 direct contact with vulnerable persons, and making an
46 appropriation therefor.

47 Committee on Health, Environment, Welfare, & Institutions

48 Committee on Appropriations

49

50 **SB03-011** by Senator(s) Hagedorn, Hanna; also Representative(s)
51 Spradley, Jahn, Tochtrop--Concerning prescription
52 medications under the "Colorado Medical Assistance Act",
53 and making an appropriation in connection therewith.

54 Committee on Health, Environment, Welfare, & Institutions

55 Committee on Appropriations

56

- 1 **SB03-030** by Senator(s) Cairns; also Representative(s) Lee--
 2 Concerning the disclosure to each individual taxpayer of
 3 the average amount of certain taxes paid by the taxpayer
 4 in the previous calendar year.
 5 Committee on Finance
 6 Committee on Appropriations
 7
- 8 **SB03-073** by Senator(s) Owen; also Representative(s) Hoppe--
 9 Concerning an increase in the state engineer's authority to
 10 approve the use of water.
 11 Committee on Agriculture, Livestock, & Natural Resources
 12
- 13 **SB03-083** by Senator(s) Keller, Arnold; also Representative(s)
 14 Romanoff--Concerning the "Child Mental Health
 15 Treatment Act".
 16 Committee on Health, Environment, Welfare, & Institutions
 17 Committee on Appropriations
 18
- 19 **SB03-128** by Senator(s) Grossman; also Representative(s) Hefley--
 20 Concerning authority for a local law enforcement agency
 21 to administer DNA tests to felony arrestees.
 22 Committee on Judiciary
 23 Committee on Appropriations
 24
- 25 **SB03-131** by Senator(s) Arnold; also Representative(s) Berry--
 26 Concerning continuation of the use of electronic hearings
 27 regarding motor vehicle regulation by the department of
 28 revenue.
 29 Committee on Transportation & Energy
 30
- 31 **SB03-150** by Senator(s) Evans, Keller; also Representative(s)
 32 Stafford--Concerning the creation of a special district to
 33 provide mental health care services to eligible persons
 34 residing in certain counties in the state, and, in connection
 35 therewith, authorizing the district to seek voter approval to
 36 impose a sales tax in the district to provide mental health
 37 care services to children and families residing in the
 38 district.
 39 Committee on Finance
 40 Committee on Appropriations
 41

42 INTRODUCTION OF CONCURRENT RESOLUTIONS

43
 44
 45 The following resolutions were read by title and referred to the
 46 committees indicated:

- 47
 48 **HCR03-1009** by Representative(s) Briggs--Submitting to the registered
 49 electors of the state of Colorado an amendment to article
 50 XI of the constitution of the state of Colorado, concerning
 51 authorization for the state to contract debt for the purpose
 52 of financing state infrastructure projects, and, in
 53 connection therewith, to impose taxes to the extent
 54 necessary to repay any debt contracted.
 55 Committee on State, Veterans, & Military Affairs
 56 Committee on Finance

1 **HCR03-1010** by Representative(s) Plant--Submitting to the registered
2 electors of the state of Colorado an amendment adding a
3 new article to the constitution of the state of Colorado,
4 concerning the repeal of certain constitutional provisions
5 that shall be reenacted as statutory provisions in the
6 Colorado Revised Statutes.

7 Committee on Finance

8
9 **HCR03-1011** by Representative(s) Lee; also Senator(s) Cairns--
10 Submitting to the registered electors of the state of
11 Colorado an amendment to section 7 of article V of the
12 constitution of the state of Colorado, concerning the
13 ability of the general assembly to call itself into special
14 session, and, in connection therewith, in the event of a
15 declaration of a disaster emergency by the governor,
16 authorizing the general assembly to call itself into special
17 session by written request of a majority of the members of
18 each house to the presiding officer of each house to
19 consider only those subjects raised by the governor's
20 declaration.

21 Committee on State, Veterans, & Military Affairs

25 INTRODUCTION OF RESOLUTIONS

26
27 The following resolution was read by title and laid over one day under the
28 rules:

29
30 **HJR03-1060** by Representative(s) King, Spradley; also Senator(s)
31 Anderson, Andrews--Concerning the creation of an
32 interim committee to study the impact of various
33 constitutional and statutory provisions on the ability of the
34 state to provide programs and services to its citizens.

35
36 WHEREAS, The state of Colorado is experiencing an economic
37 downturn that has reduced state revenues and affected the ability of the
38 state to provide various programs and services to its citizens; and

39
40 WHEREAS, Several amendments to the state constitution,
41 including section 20 of article X (the TABOR amendment), section 17 of
42 article IX (Amendment 23), and section 3 (1) of article X (the Gallagher
43 amendment) of the state constitution, interact so as to limit the ability of
44 the state to address the economic downturn and maintain current service
45 levels for the citizens of the state; and

46
47 WHEREAS, Those constitutional amendments were approved by
48 the voters of the state at different times and without full knowledge of the
49 impact the amendments would have on each other and the state's
50 budgetary flexibility; and

51
52 WHEREAS, The General Assembly needs to study how these
53 constitutional provisions interact with each other and with certain existing
54 statutory provisions, and how the constitutional and statutory provisions
55 affect the state's budgetary flexibility, in order to determine whether
56 modifications to the constitutional amendments should be proposed to the

1 voters of the state; now, therefore,

2

3 *Be It Resolved by the House of Representatives of the Sixty-fourth*
4 *General Assembly of the State of Colorado, the Senate concurring*
5 *herein:*

6

7 (1) That there shall be a committee to meet in the interim after the
8 2003 Regular Session of the Sixty-fourth General Assembly to study the
9 interaction of the TABOR amendment, Amendment 23, the Gallagher
10 amendment, and any other relevant constitutional and statutory provisions
11 and how the amendments impact the ability of the state to provide
12 funding for various programs and services to its citizens. The interim
13 committee shall consist of fourteen members of the General Assembly.
14 The speaker of the House of Representatives shall appoint seven members
15 of the House of Representatives, no more than four of whom shall be
16 from the same political party. The President of the Senate shall appoint
17 seven members of the Senate, no more than four of whom shall be from
18 the same political party. Appointments to the interim committee shall be
19 made no later than July 1, 2003. The interim committee may consider,
20 but shall not be limited to, the following:

21

22 (a) The interaction of the TABOR amendment, Amendment 23,
23 the Gallagher amendment, and other relevant constitutional and statutory
24 provisions;

25

26 (b) How the interaction of the constitutional and statutory
27 provisions affect the state's ability to provide various programs and
28 services to its citizens and to balance its budget;

29

30 (c) What, if any, constitutional or statutory changes should be
31 pursued in order to increase the state's budgetary flexibility and improve
32 the ability of the state to provide various programs and services to its
33 citizens.

34

35 (2) That, in conducting the study, the interim committee may
36 consult with and obtain input and information from appropriate
37 individuals and organizations.

38

39 (3) That the Legislative Council Staff and the Office of
40 Legislative Legal Services be made available to assist the interim
41 committee in carrying out its duties.

42

43 (4) That the interim committee shall report its findings and
44 recommendations to the Legislative Council by November 15, 2003, and
45 that the Legislative Council shall report the interim committee's findings
46 and recommendations to the Second Regular Session of the Sixty-fourth
47 General Assembly.

48

49 (5) That all expenditures incurred in the conduct of the study
50 enumerated in this Joint Resolution shall be approved by the chairperson
51 of the Legislative Council and paid by voucher and warrants drawn as
52 provided by law from funds allocated to the Legislative Council from
53 appropriations made by the General Assembly.

54

55

56

1 The following resolution was read by title and referred to the committee
2 indicated:

3
4 **HJR03-1061** by Representative(s) Romanoff; also Senator(s) Evans--
5 Concerning the celebration of bicycling, and, in
6 connection therewith, designating a permanent Bike to
7 Work Day and Colorado Bike Month.

8 Committee on Transportation & Energy
9

10 WHEREAS, Bicycling enthusiasts across the state of Colorado
11 recognize bicycling as an enjoyable recreational activity but also as a
12 practical, environmentally friendly mode of transportation that is gaining
13 popularity among commuters; and

14
15 WHEREAS, An alternative to the automobile as a viable means of
16 transportation, bicycling simultaneously promotes physical health and
17 lowers stress while reducing air pollution, traffic congestion, and energy
18 consumption; and

19
20 WHEREAS, Colorado's population is expected to grow by more
21 than one million residents over the next twenty years and can grow
22 responsibly with the incorporation of innovative transportation options;
23 and

24
25 WHEREAS, Automotive transportation accounts for 28%, and a
26 growing share, of U.S. climate change emissions and the U.S. population,
27 which is only 5% of the world's total, accounts for one-third of all energy
28 for transportation purposes worldwide; and

29
30 WHEREAS, If one million Coloradans (less than one-fourth of the
31 state's population) replaced just one ten-mile motor vehicle trip per year
32 with one bicycle trip, it would result in the savings of 500,000 gallons of
33 gasoline and 328,000 pounds of carbon monoxide would not be
34 produced; and

35
36 WHEREAS, The cost of operating a compact car is 35 cents per
37 mile while the cost of operating a bicycle has been estimated at five cents
38 a mile, saving bicycle commuters hundreds of dollars a year on fuel,
39 vehicle maintenance, parking, and even automobile insurance; and

40
41 WHEREAS, With more than 300 days of sunshine per year,
42 Colorado is an ideal state in which to take advantage of bicycling for
43 running errands, visiting friends, grocery shopping, and other quick trips,
44 since short automobile trips are up to 3 times more polluting per mile than
45 long trips; and

46
47 WHEREAS, Combining bicycle riding with public transportation
48 by taking bikes on buses and light rail trains can make even longer
49 commutes manageable, low-cost, and efficient; and

50
51 WHEREAS, Bicycle commuters build a significant personal
52 fitness level while riding to work, reducing or eliminating the need to
53 spend time working out; and

54
55 WHEREAS, The total economic benefit from the bicycling
56 industry in Colorado exceeds \$1 billion annually; and

1 WHEREAS, From 1995 to 2001, the number of participants in
2 Colorado's Bike to Work Day increased by 67% and is expected to
3 continue to rise; now, therefore,
4

5 *Be It Resolved by the House of Representatives of the Sixty-fourth*
6 *General Assembly of the State of Colorado, the Senate concurring*
7 *herein:*
8

9 (1) That the month of June shall permanently be designated as
10 "Colorado Bike Month";
11

12 (2) That the fourth Wednesday in June shall permanently be
13 designated as "Bike to Work Day";
14

15 (3) That the General Assembly encourages the residents of
16 Colorado to participate in "Colorado Bike Month" and "Bike to Work
17 Day" on Wednesday, June 25, 2003, and to increase their awareness of
18 bicycling safety while finding ways to incorporate bicycling into their
19 everyday lives.
20

21 *Be It Further Resolved*, That copies of this Joint Resolution be
22 sent to the director of the Colorado Department of Transportation
23 Bicycle/Pedestrian Program.
24

25
26
27 The following resolution was read by title and laid over one day under the
28 rules:
29

30 **HJR03-1062** by Representative(s) Stafford, Coleman, Frangas, Johnson
31 R., Williams S.; also Senator(s) Linkhart--Concerning
32 designation of the month of May as Mental Health Month
33 in Colorado.
34

35 WHEREAS, Mental health is critical to the well-being and vitality
36 of Colorado's citizens, families, communities, and businesses; and
37

38 WHEREAS, The President's New Freedom Commission declared
39 that mental disorders and mental health problems, including substance
40 abuse disorders, affect people of all backgrounds and all stages of life,
41 and that no one is immune; and
42

43 WHEREAS, The World Health Organization found that mental
44 illnesses collectively are the most prevalent health problem in the United
45 States today, more common than cancer and lung and heart disease
46 combined, and are the number one cause of disability in the United
47 States; and
48

49 WHEREAS, Mental illnesses, including substance abuse, affect
50 one in five Americans every year, regardless of age, gender, race,
51 ethnicity, religion, or economic status; and
52

53 WHEREAS, One in ten children has a serious mental disorder that,
54 if untreated, can lead to poor performance or failure in school, physical
55 illness, substance abuse, and suicide; and
56

1 WHEREAS, Mental disorders such as schizophrenia, depression,
2 and anxiety disorders are real, common, and treatable; and
3

4 WHEREAS, The long-term consequences of untreated mental
5 disorders in children and adults are costly, in both human and fiscal
6 terms; and
7

8 WHEREAS, The State of Colorado recognizes the need for a
9 comprehensive, community-based system of mental health care for all
10 citizens and a commitment to the core values and guiding principles of a
11 system of care for children with mental health needs and their families;
12 and
13

14 WHEREAS, The Colorado Behavioral Healthcare Council; the
15 Colorado Cornerstone System of Care Initiative and its partner families,
16 agencies, and organizations; Family Directions; the Colorado chapter of
17 the Federation of Families for Children's Mental Health; the Denver /
18 Aurora chapter of the Federation of Families of Children's Mental Health
19 and the Denver Advocacy Network; Harambe; the Jefferson County
20 Family Support Network; the Mental Health Association of Colorado; the
21 National Alliance for the Mentally Ill - CO; the partners of Project
22 BLOOM for Children's Mental Health in Colorado; State Children's
23 Health and Rehabilitation Services; and State Mental Health Services and
24 their partners observe Mental Health Month each May to raise awareness
25 and understanding of mental health and illness; now, therefore,
26

27 *Be It Resolved by the House of Representatives of the Sixty-fourth*
28 *General Assembly of the State of Colorado, the Senate concurring*
29 *herein:*
30

31 That we, the members of the Sixty-fourth General Assembly, do
32 hereby declare May, 2003, Mental Health Month in Colorado. Further,
33 we call upon all Colorado citizens, government agencies, public and
34 private institutions, businesses, and schools to recommit our community
35 to increasing awareness and understanding of mental illnesses and the
36 need for appropriate and accessible services for all people with mental
37 illnesses.
38

39
40
41 The following resolution was read by title and referred to the committee
42 indicated:
43

44 **HJR03-1063** by Representative(s) Plant; also Senator(s) Fitz-Gerald,
45 Gordon, Grossman, Isgar, Nichol, Reeves, Tapia, Tupa--
46 Concerning a request that the United States Congress
47 increase Colorado's federal medicaid match rate.
48 Committee on Health, Environment, Welfare, & Institutions
49

50 WHEREAS, Colorado's medicaid program is jointly funded by the
51 state and the federal government to cover the costs of health care for the
52 poor, elderly, and disabled; and
53

54 WHEREAS, The federal government has consistently calculated
55 the medicaid matching rates for states based on state per capita income
56 data that is more than 3 years old; and

1 WHEREAS, The calculation for Colorado's federal medicaid
2 matching rate should reflect the current economic trends that Colorado is
3 experiencing; and

4
5 WHEREAS, Colorado experienced a decline of 15% in state
6 general fund revenues in fiscal year 2001-02; and

7
8 WHEREAS, It is projected that Colorado's state general fund
9 revenue will decline 3.2% in fiscal year 2002-03, which would mean a
10 loss of \$1.2 billion dollars in revenue over a 2 year period; and

11
12 WHEREAS, Colorado's medicaid caseload has grown 9.29% over
13 the same period of time in which Colorado has experienced a projected
14 \$1.2 billion dollar revenue loss; and

15
16 WHEREAS, Colorado's medicaid caseload is projected to increase
17 another 5.23% in fiscal year 2003-04; and

18
19 WHEREAS, Approximately 9% of Colorado's families live at or
20 below the federal poverty level and approximately 25% of Colorado's
21 families are low-income; and

22
23 WHEREAS, Colorado has been experiencing an economic
24 downturn, which is also affecting most areas of the country, and the
25 proportion of medicaid costs that the federal government bears is
26 declining; and

27
28 WHEREAS, Additional federal dollars could help fund Colorado's
29 increased medicaid caseload or help to prevent or reduce major cuts in
30 Colorado's medicaid services or the state's medicaid provider payments;
31 and

32
33 WHEREAS, An increase in Colorado's federal match rate could
34 help free up state funds otherwise needed for the state's medicaid program
35 in order to avoid cuts in other areas of the state budget, such as education
36 and economic development; now, therefore,

37
38 *Be It Resolved by the House of Representatives of the Sixty-fourth*
39 *General Assembly of the State of Colorado, the Senate concurring*
40 *herein:*

41
42 That we, the members of the Sixty-fourth General Assembly of the
43 State of Colorado, hereby request that Colorado's congressional
44 delegation and the United States Congress support and work to pass
45 necessary modifications to the current medicaid federal financial
46 participation rate in order to increase the federal match that Colorado
47 receives.

48
49 *Be It Further Resolved,* That copies of this Joint Resolution be
50 sent to the Speaker of the United States House of Representatives, the
51 Majority Leader of the United States Senate, and to each member of
52 Colorado's delegation to the United States Congress.

53
54
55
56

1 The following resolution was read by title and referred to the committee
2 indicated:

3
4 **HJR03-1064** by Representative(s) Lee; also Senator(s) Hanna--
5 Concerning marriage and relationship skills education.
6 Committee on Health, Environment, Welfare, & Institutions

7
8
9 WHEREAS, The vast majority of Americans desire happy, stable
10 marital and family relationships; and

11
12 WHEREAS, Evidence shows that individuals, as well as society
13 at large, benefit when those citizens who choose marriage for themselves
14 are able to maintain healthy marriages and healthy familial relationships;
15 and

16
17 WHEREAS, It is a worthy goal, of both the public and private
18 sectors, to help make the dream of healthy marriages and families more
19 attainable for Americans; and

20
21 WHEREAS, One key element in forming strong, healthy families
22 is marriage, family, and relationship skills education; and

23
24 WHEREAS, Successful marital and family relationships,
25 according to over 30 years of research, are not a matter of luck nor is
26 marital failure a matter of mystery; and

27
28 WHEREAS, Through marriage, family, and relationship skills
29 education, couples and families can learn to reduce patterns of negative
30 interaction that are risk factors for marital failure, depression, and
31 countless other problems; and

32
33 WHEREAS, Through marriage, family, and relationship skills
34 education, couples can also learn effective strategies for maintaining high
35 levels of relationship satisfaction; and

36
37 WHEREAS, Marriage, family, and relationship skills education
38 can help couples to be better providers and to be less reliant on
39 government services by teaching them to work as a team and
40 communicate effectively not only in their marriage, but in their jobs as
41 well; and

42
43 WHEREAS, Marriage, family, and relationship skills education
44 can help couples learn conflict resolution skills, thereby reducing
45 domestic violence against each other and their children; and

46
47 WHEREAS, Marriage, family, and relationship skills education
48 can facilitate the creation of clear guidelines for keeping children out of
49 the middle of parents' disputes and can enhance focus on the needs of the
50 children; and

51
52 WHEREAS, Relationship skills education includes communication
53 and conflict management; and

54
55 WHEREAS, Marriage and family therapists are equipped to assist
56 public and private schools in diffusing crisis situations by teaching staff

1 and students preventive communication and conflict resolution
2 techniques; and
3

4 WHEREAS, There is national concern regarding the increase of
5 violence in secondary and high schools; and
6

7 WHEREAS, Marriage and family therapists are specifically
8 trained to assist marital couples, families, schools, peers, and
9 communities to work together to prevent violence by teaching
10 relationship skills; and
11

12 WHEREAS, Today, more than 50,000 marriage and family
13 therapists provide marriage and relationship strategies to individuals,
14 couples, and families nationwide; now, therefore,
15

16 *Be It Resolved by the House of Representatives of the Sixty-fourth*
17 *General Assembly of the State of Colorado, the Senate concurring*
18 *herein:*
19

20 That we, the members of the Sixty-fourth General Assembly,
21 recognize the importance of marriage, family, and relationship skills
22 education and support the vital role marriage and family therapists play
23 in that education.
24

25 *Be It Further Resolved,* That copies of this Joint Resolution be
26 sent to Colorado's congressional delegation, Governor Bill Owens, and
27 the Colorado Association of Marriage and Family Therapists.
28

29
30
31 The following resolution was read by title and laid over one day under the
32 rules:
33

34 **HJR03-1065** by Representative(s) Fritz, Boyd, Carroll, Crane, Decker,
35 Fairbank, Hall, Jahn, Madden, Mitchell, Rippy, Spence,
36 Wiens; also Senator(s) Anderson--Concerning Early
37 Childhood Intervention Awareness Day.
38

39 WHEREAS, For the fifth consecutive year, the Colorado
40 Association of Community Centered Boards, the Children's Hospital, and
41 Colorado First Lady Frances Owens have partnered together to present
42 Early Childhood Intervention Awareness Day and related events; and
43

44 WHEREAS, Early Childhood Intervention Awareness Day will
45 continue to raise awareness about the importance and value of early
46 intervention in a child's developmental life and to further outreach efforts
47 in communities across Colorado; and
48

49 WHEREAS, It is estimated that 2% of all children up to 3 years of
50 age have significant developmental conditions or delays. In Colorado,
51 this translates to almost 4,000 children; and
52

53 WHEREAS, Countless studies have proven that the critical
54 window for a child's development occurs during the first 3 years of his or
55 her life; and
56

1 WHEREAS, The earlier a child is identified as having a
2 developmental delay or developmental disability, the greater the impact
3 of services and supports; and
4

5 WHEREAS, Early Childhood Intervention Awareness Day
6 continues to alert parents of children at risk for developmental disabilities
7 of the benefits of early intervention services and the many Colorado
8 resources available to families; and
9

10 WHEREAS, The support of local communities and community
11 leaders is an essential component of raising early intervention awareness,
12 and, ultimately, providing valuable services; and
13

14 WHEREAS, Early Childhood Intervention Awareness Day strives
15 to highlight and encourage community efforts such as the Sensory Park
16 in Westminster, an integrated play setting for children of all abilities; and
17

18 WHEREAS, Public service announcements, parent advocacy and
19 educational workshops, local community awareness events, and
20 distribution of early intervention resources are methods through which
21 Early Childhood Intervention Awareness Day continues to achieve the
22 goal of reaching more individuals with its important message each year;
23 now, therefore,
24

25 *Be It Resolved by the House of Representatives of the Sixty-fourth*
26 *General Assembly of the State of Colorado, the Senate concurring*
27 *herein:*
28

29 That we, the members of the Sixty-fourth General Assembly,
30 hereby declare May 1, 2003, to be Early Childhood Intervention
31 Awareness Day in Colorado.
32

33 *Be It Further Resolved,* That copies of this Joint Resolution be
34 sent to the Colorado Association of Community Centered Boards, the
35 Children's Hospital, and Colorado First Lady Frances Owens.
36

37
38
39
40 The following resolution was read by title and laid over one day under the
41 rules:
42

43 **HJR03-1066** by Representative(s) Judd, Borodkin, Boyd, Carroll,
44 Cerbo, Coleman, Crane, Fritz, Lee, May M., Romanoff,
45 Sinclair, Smith, Stengel, Weissmann; also Senator(s)
46 Grossman--Concerning the proclamation of "Holocaust
47 Days of Remembrance".
48

49 WHEREAS, During the years 1933 through 1945, the world
50 witnessed the systematic dehumanization, internment, and extermination
51 of more than 6 million Jews and other minorities and political and
52 religious dissenters at the hands of the Nazi regime; and
53

54 WHEREAS, The events of the Holocaust ravaged the Jewish
55 communities of Eastern Europe and undermined the moral foundation on
56 which all human societies rest; and

1 WHEREAS, The Holocaust represented at its core a direct assault
 2 on the rights of each individual to exercise his or her beliefs free from
 3 persecution; and
 4

5 WHEREAS, Especially in times of great national uncertainty and
 6 duress, the American people and their elected representatives must, by
 7 their example and leadership, strive to recognize and eradicate racism,
 8 anti-Semitism, and other forms of bigotry; now, therefore,
 9

10 *Be It Resolved by the House of Representatives of the Sixty-fourth*
 11 *General Assembly of the State of Colorado, the Senate concurring*
 12 *herein:*
 13

14 (1) That we, the members of the Sixty-fourth General Assembly,
 15 remember the millions of individuals whose lives, full of potential and
 16 hope, were forever lost during the Holocaust.
 17

18 (2) That we honor the memory of these victims by remaining
 19 eternally vigilant in the struggle against hatred and oppression.
 20

21 *Be It Further Resolved, That April 27 through May 4, 2003, be*
 22 *proclaimed "Holocaust Days of Remembrance" to pay tribute to the*
 23 *victims and the survivors of the Holocaust as well as to spread awareness*
 24 *about the need for respect of all people.*
 25

26
 27
 28 The following resolutions were read by title and laid over one day under
 29 the rules:
 30

31 **SJR03-032** by Senator(s) Windels; also Representative(s) McFadyen--
 32 Concerning recognition of May 24 as Colorado aviation
 33 maintenance technician day, and, in connection therewith,
 34 honoring the life of airplane mechanic Charles Edward
 35 Taylor.
 36

37 **SJR03-041** by Senator(s) Hanna, Andrews, Phillips, Chlouber, Dyer,
 38 Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman,
 39 Hillman, Isgar, Johnson S., Keller, Lamborn, Linkhart,
 40 Nichol, Owen, Sandoval, Takis, Tapia, Taylor, Teck,
 41 Tupa, Windels; also Representative(s) Merrifield, Cloer,
 42 Cadman, Madden, Miller, Plant, Rhodes, Rose, Sinclair,
 43 Spradley, Vigil, Weddig, Wiens, Williams S.--Concerning
 44 encouraging businesses to adopt families of service
 45 members stationed at military installations across
 46 Colorado.
 47

48
 49
 50 **LAY OVER OF CALENDAR ITEMS**
 51

52 On motion of Representative King, the following items on the Calendar
 53 were laid over until April 21, retaining place on Calendar:
 54

55 Consideration of General Orders--**HB03-1311, 1132, 1247, 1344, 1280,**
 56 **1329, 1350, SB03-242.**

1 Consideration of Resolutions--**HR03-1038, 1040, 1042, SJR03-030,**
2 **HJR03-1049, SJR03-034, HJR03-1052, 1055, 1057, 1058, 1046, 1048.**
3 Consideration of Memorials--**SJM03-001, 002, 004, HM03-1001, 1002**
4 Consideration of Senate Amendments--**HB03-1106, 1326.**

5

6

7

8 On motion of Representative King, the House adjourned until 10:00 a.m.,
9 April 21, 2003.

10

11

Approved:

12

13

14

15

LOLA SPRADLEY,
Speaker

16

17 Attest:

18

19 JUDITH RODRIGUE,
20 Chief Clerk