

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

Ninety-ninth Legislative Day

Wednesday, April 16, 2003

1 Prayer by Dr. Gene Selander, Cherry Creek Community Church, Denver.

2

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

4

5 Pledge of Allegiance led by Representative Veiga.

6

7 The roll was called with the following result:

8

9 Present--63.

10 Excused--Representatives Fritz, Pommer--2.

11 Present after roll call--Representatives Fritz, Pommer.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Madden, the reading of the journal of
17 April 15, 2003, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

19

20

21 House in recess. House reconvened.

22

23

24

25

CONSIDERATION OF RESOLUTIONS

26

27 **HJR03-1043** by Representative(s) Cloer, Schultheis, Larson,
28 Williams S., Butcher, Carroll, Crane, Frangas, Harvey,
29 Hefley, Jahn, Johnson R., King, McFadyen, Ragsdale,
30 Salazar, Sinclair, Spence, Spradley, Stafford; also
31 Senator(s) McElhany--Concerning the naming of a portion
32 of State Highway 115 as the "Vietnam Veterans Memorial
33 Highway".

34

35 (Printed and placed in member's file, also printed in House Journal
36 April 1, pages 1378-1380.)

37

38 On motion of Representative Cloer, the resolution was read at length and
39 **adopted by viva voce** vote.

40

41 Co-sponsors added: Representatives Berry, Borodkin, Boyd, Briggs, Brophy,
42 Cadman, Cerbo, Clapp, Coleman, Decker, Fairbank, Fritz, Garcia, Hall, Hodge,
43 Hoppe, Judd, Lee, Lundberg, Madden, Marshall, May, McCluskey, Merrifield,

1 Miller, Mitchell, Paccione, Plant, Pommer, Rhodes, Rippy, Romanoff, Rose,
2 Smith, Stengel, Tochtrop, Veiga, Vigil, Weddig, Weissmann, White, Wiens,
3 Williams T., Witwer, Young.

4
5 **HJR03-1050** by Representative(s) Lundberg, Cloer, Lee, May M.,
6 Schultheis, Wiens, Briggs, Brophy, Cadman, Clapp,
7 Crane, Decker, Fairbank, Fritz, Hall, Harvey, Hefley,
8 Hoppe, King, Mitchell, Rhodes, Rippy, Rose, Smith,
9 Spence, Stafford, Stengel; also Senator(s) Cairns, Arnold,
10 Johnson S., Lamborn, May R.--Concerning the recognition
11 of Home Education Week in Colorado.

12
13 (Printed and placed in member's file, also printed in House Journal
14 April 9, pages 1522-1523.)

15
16 On motion of Representative Lundberg, the resolution was **adopted** by
17 **viva voce** vote.

18
19 Co-sponsors added: Representatives Boyd, Coleman, Frangas, Romanoff,
20 Salazar, Sinclair, Vigil, Williams S., Williams T., Witwer, Speaker.

21
22 **HJR03-1027** by Representative(s) Spence, Berry, Briggs, Brophy,
23 Clapp, Crane, Fairbank, Frangas, Hall, Harvey, Hefley,
24 Hoppe, Jahn, Johnson R., King, Lee, Miller, Rose,
25 Schultheis, Vigil, White, Williams T., Witwer; also
26 Senator(s) Andrews, Cairns, Entz, Lamborn, May R.,
27 Owen--Concerning the importance of history and civic
28 education at the college level.

29
30 (Printed and placed in member's file, also printed in House Journal
31 March 5, pages 1033-1034.)

32
33 On motion of Representative Spence, the resolution was read at length
34 and **adopted** by **viva voce** vote.

35
36 Co-sponsors added: Roll call of the House.

37
38 **HJR03-1056** by Representative(s) King; also Senator(s) Anderson--
39 Concerning setting the convening date for the 2004 regular
40 session of the General Assembly.

41
42 (Printed and placed in member's file, also printed in House Journal
43 April 15, pages 1657-1658.)

44
45 On motion of Representative King, the resolution was **adopted** by the
46 following roll call vote:

47

	YES	65	NO	00	EXCUSED	00	ABSENT	00
49	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
50	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
51	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
52	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
53	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
54	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
55	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
56	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y

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

10 Co-sponsors added: Representatives Cloer, Harvey, Hefley, Hoppe, Marshall,
 11 Rose, Smith, Spence.

12
 13
 14
 15 **THIRD READING OF BILLS--FINAL PASSAGE**

16
 17 The following bills were considered on Third Reading. The titles were
 18 publicly read. Reading of the bill at length was dispensed with by
 19 unanimous consent.

20
 21
 22 **SB03-275** by Senator(s) Teck, Owen, Reeves; also Representative(s)
 23 Witwer, Plant, Young--Concerning the distribution of
 24 school accountability reports, and making an appropriation
 25 in connection therewith.

26
 27 The question being "Shall the bill pass?".
 28 A roll call vote was taken. As shown by the following recorded vote, a
 29 majority of those elected to the House voted in the affirmative and the bill
 30 was declared **passed**.

31	YES	65	NO	00	EXCUSED	00	ABSENT	00
33	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
34	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
35	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
36	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
37	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
38	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
39	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
40	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
41	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
42	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
43	Cloer	Y	King	Y	Rhodes	Y	White	Y
44	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
45	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
46	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
47	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
48	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
49							Speaker	Y

50
 51 **SB03-248** by Senator(s) Anderson; also Representative(s) King--
 52 Concerning the financing of public schools, and making an
 53 appropriation in connection therewith.

54
 55 The question being "Shall the bill pass?".
 56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the bill
2 was declared **passed**.

	YES	65	NO	00	EXCUSED	00	ABSENT	00
5	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
6	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
7	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
8	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
9	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
10	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
11	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
12	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
13	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
14	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
15	Cloer	Y	King	Y	Rhodes	Y	White	Y
16	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
17	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
18	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
19	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
20	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
21							Speaker	Y

22 Co-sponsor added: Representative Stafford.

23
24 **SB03-292** by Senator(s) Reeves, Owen, Teck; also Representative(s)
25 Young, Plant, Witwer--Concerning a suspension of the
26 administration of certain statewide assessments, and
27 making an appropriation in connection therewith.

28
29 The question being "Shall the bill pass?".

30 A roll call vote was taken. As shown by the following recorded vote, a
31 majority of those elected to the House voted in the affirmative and the bill
32 was declared **passed**.

	YES	65	NO	00	EXCUSED	00	ABSENT	00
35	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
36	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
37	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
38	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
39	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
40	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
41	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
42	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
43	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
44	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
45	Cloer	Y	King	Y	Rhodes	Y	White	Y
46	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
47	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
48	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
49	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
50	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
51							Speaker	Y

52 Co-sponsors added: Representatives Carroll, Cerbo, Jahn, Lundberg, Madden,
53 Marshall, Merrifield, Paccione, Vigil, Weissmann, Williams S.

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HOUSE RECEDES ON HB03-10031
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HB03-1003 by Representative(s) Brophy; also Senator(s) Taylor--
Concerning civil liability for certain agricultural recreation
activities.

(Amended as printed in Senate Journal, March 14, pages 651-652.)

Representative Brophy moved that the House **recede** from its position on
HB03-1003 and that the Conference Committee be discharged. The
motion was declared **passed** by the following roll call vote:

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

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Representative Brophy moved that the House **concur** in Senate amend-
ments. The motion was declared **passed** by the following roll call vote:

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

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

A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative, and the
2 bill, as amended, was declared **repassed**.

	YES	38	NO	27	EXCUSED	00	ABSENT	00
5	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
6	Borodkin	N	Garcia	N	McCluskey	Y	Smith	Y
7	Boyd	N	Hall	Y	McFadyen	Y	Spence	Y
8	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
9	Brophy	Y	Hefley	N	Miller	Y	Stengel	Y
10	Butcher	N	Hodge	N	Mitchell	Y	Tochtrop	N
11	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	N
12	Carroll	N	Jahn	N	Plant	N	Vigil	N
13	Cerbo	N	Johnson	Y	Pommer	N	Weddig	N
14	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N
15	Cloer	Y	King	Y	Rhodes	Y	White	Y
16	Coleman	N	Larson	Y	Rippy	Y	Wiens	Y
17	Crane	Y	Lee	Y	Romanoff	N	Williams S.	N
18	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
19	Fairbank	Y	Madden	N	Salazar	N	Witwer	Y
20	Frangas	N	Marshall	N	Schultheis	Y	Young	Y
21							Speaker	Y

22 Co-sponsor added: Representative Hoppe.

27 **REPORTS OF COMMITTEES OF REFERENCE**

29 **BUSINESS AFFAIRS & LABOR**

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

33 **HB03-1188** be amended as follows, and as so amended, be referred to
34 the Committee of the Whole with favorable
35 recommendation:

37 Amend printed bill, strike everything below the enacting clause and
38 substitute the following:

40 **"SECTION 1.** 10-4-601, Colorado Revised Statutes, is amended
41 to read:

43 **10-4-601. Definitions.** As used in this part 6, unless the context
44 otherwise requires:

46 (1) "COMPLYING POLICY" MEANS A POLICY OF INSURANCE THAT
47 PROVIDES THE COVERAGES AND IS SUBJECT TO THE TERMS AND
48 CONDITIONS REQUIRED BY THIS PART 6, AND IS CERTIFIED BY THE INSURER
49 AND THE INSURER HAS FILED A CERTIFICATION WITH THE COMMISSIONER
50 THAT SUCH POLICY, CONTRACT, OR ENDORSEMENT CONFORMS TO
51 COLORADO LAW AND ANY RULES PROMULGATED BY THE COMMISSIONER.

53 (2) "CONVERTER" MEANS A PERSON OTHER THAN A NAMED
54 INSURED OR RESIDENT RELATIVE WHO OPERATES OR USES A MOTOR
55 VEHICLE IN A MANNER THAT A REASONABLE PERSON WOULD DETERMINE
56 WAS UNAUTHORIZED OR BEYOND THE SCOPE OF PERMISSION GIVEN BY A

1 NAMED INSURED OR RESIDENT RELATIVE. IN DETERMINING WHETHER A
2 PERSON IS A CONVERTER, THE FOLLOWING FACTORS SHOULD BE
3 CONSIDERED:

4
5 (a) THE DURATION OF THE PERSON'S CONTROL OVER THE MOTOR
6 VEHICLE;

7
8 (b) THE CIRCUMSTANCES SURROUNDING THE CONDUCT OF THE
9 PERSON OPERATING OR USING THE MOTOR VEHICLE; AND

10
11 (c) THE PERSON'S GOOD FAITH.

12
13 (3) "DESCRIBED MOTOR VEHICLE" MEANS THE MOTOR VEHICLE
14 DESCRIBED IN THE COMPLYING POLICY.

15
16 (4) "INSURED" MEANS THE NAMED INSURED, RELATIVES OF THE
17 NAMED INSURED WHO RESIDE IN THE SAME HOUSEHOLD AS THE NAMED
18 INSURED, AND ANY PERSON USING THE DESCRIBED MOTOR VEHICLE WITH
19 THE PERMISSION OF THE NAMED INSURED.

20
21 (5) "MOTOR VEHICLE" MEANS ANY VEHICLE OF A TYPE REQUIRED
22 TO BE REGISTERED AND LICENSED UNDER THE LAWS OF THIS STATE AND
23 THAT IS DESIGNED TO BE PROPELLED BY AN ENGINE OR MOTOR; EXCEPT
24 THAT "MOTOR VEHICLE" DOES NOT INCLUDE MINIBIKES, SNOWMOBILES,
25 BICYCLES WITH MOTOR OR ENGINE ATTACHED, ANY VEHICLE DESIGNED
26 PRIMARILY FOR USE OFF THE ROAD OR ON RAILS, OR MOTORCYCLES AND
27 MOTORSCOOTERS AS DEFINED IN SECTION 42-1-102, C.R.S.

28
29 ~~(4)~~ (6) "Nonpayment of premium" means failure of the named
30 insured to discharge when due any of his obligations in connection with
31 the payment of premiums on the policy, or any installment of such
32 premium, whether the premium is payable directly to the insurer or its
33 agent or indirectly under any premium finance plan or extension of credit.

34
35 (7) "OWNER" MEANS A PERSON WHO HOLDS THE LEGAL TITLE TO
36 A VEHICLE; EXCEPT THAT, IF THE VEHICLE IS THE SUBJECT OF AN
37 AGREEMENT FOR THE CONDITIONAL SALE OR LEASE THEREOF WITH THE
38 RIGHT OF PURCHASE UPON PERFORMANCE OF THE CONDITIONS STATED IN
39 THE AGREEMENT AND WITH AN IMMEDIATE RIGHT OF POSSESSION VESTED
40 IN THE CONDITIONAL VENDEE OR LESSEE, OR IF A MORTGAGOR OF THE
41 VEHICLE IS ENTITLED TO POSSESSION, THEN SUCH CONDITIONAL VENDEE OR
42 LESSEE OR MORTGAGOR SHALL BE DEEMED THE OWNER FOR THE PURPOSE
43 OF THIS PART 6.

44
45 (8) "PERSON" MEANS EVERY NATURAL PERSON, FIRM,
46 PARTNERSHIP, ASSOCIATION, OR CORPORATION.

47
48 ~~(2)~~ (9) "Policy" means an automobile insurance policy providing
49 coverage for all or any of the following coverages: Collision,
50 comprehensive, bodily injury liability, property damage liability, medical
51 payments, and uninsured motorist coverage, or a combination automobile
52 policy providing bodily injury liability, property damage liability, medical
53 payments, uninsured motorist, and physical damage coverage, delivered
54 or issued for delivery in this state, insuring a single individual, or husband
55 and wife, or family members residing in the same household, as named
56 insured, and under which the insured vehicles therein designated are of

1 the following types only:

2

3 (a) A motor vehicle of the private passenger or station wagon type
4 that is not used as a public or livery conveyance for passengers nor rented
5 to others pursuant to the terms of a motor vehicle rental agreement; or

6

7 (b) Any other four-wheel motor vehicle with a load capacity of
8 fifteen hundred pounds or less ~~which~~ THAT is not used in the occupation,
9 profession, or business of the insured.

10

11 ~~(3)~~ (10) "Renewal" or "to renew" means the issuance and delivery
12 by an insurer of a policy replacing at the end of the policy period a policy
13 previously issued and delivered by the same insurer, or the issuance and
14 delivery of a certificate or notice extending the term of the policy beyond
15 its policy period or term; but any policy with a policy period or term of
16 less than six months shall, for the purpose of this part 6, be considered as
17 if written for a policy period or term of six months; and any policy
18 written for a term longer than one year, or any policy with no fixed
19 expiration date, shall, for the purpose of this part 6, be considered as if
20 written for successive policy periods or terms of one year, and such
21 policy may be terminated at the expiration of any annual period upon
22 giving twenty days' notice of cancellation prior to such anniversary date,
23 and such cancellation shall not be subject to any other provisions of this
24 part 6.

25

26 (11) "RESIDENT RELATIVE" MEANS A PERSON WHO, AT THE TIME OF
27 THE ACCIDENT, IS RELATED BY BLOOD, MARRIAGE, OR ADOPTION TO THE
28 NAMED INSURED OR RESIDENT SPOUSE AND WHO RESIDES IN THE NAMED
29 INSURED'S HOUSEHOLD, EVEN IF TEMPORARILY LIVING ELSEWHERE, AND
30 ANY WARD OR FOSTER CHILD WHO USUALLY RESIDES WITH THE NAMED
31 INSURED, EVEN IF TEMPORARILY LIVING ELSEWHERE.

32

33 ~~(4)~~ (12) "Stacking" has the same meaning set forth in section
34 10-4-402 (3.5).

35

36 **SECTION 2.** 10-4-604.5, Colorado Revised Statutes, is amended
37 to read:

38

39 **10-4-604.5. Issuance or renewal of insurance policies - proof of
40 insurance provided by certificate, card, or other media - repeal.**

41 (1) In addition to any other requirement, if an insurer issues or renews
42 a policy of insurance, the insurer shall provide the insured a proof of
43 insurance certificate or insurance identification card to accompany the
44 insured's registration application or renewal card or provide proof of
45 insurance in such other media as is authorized by the department under
46 section 42-3-105 (1) (c), ~~or section 42-3-112 (3) (b), C.R.S. If the~~
47 ~~insured has an operator's policy of insurance under section 10-4-706.5,~~
48 ~~the insurer shall provide the insured such proof of insurance for each~~
49 ~~motor vehicle owned by the insured.~~

50

51 (2) ~~This section is repealed, effective July 1, 2003.~~

52

53 **SECTION 3.** Part 6 of article 4 of title 10, Colorado Revised
54 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
55 SECTIONS to read:

56

1 **10-4-601.5. Administrative authority.** THE COMMISSIONER
2 SHALL ADMINISTER AND ENFORCE THE PROVISIONS OF THIS PART 6 AND
3 MAY MAKE RULES NECESSARY FOR THE ADMINISTRATION OF THIS PART 6
4 IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

5
6 **10-4-616. Coverage compulsory.** EVERY OWNER OF A MOTOR
7 VEHICLE WHO OPERATES THE MOTOR VEHICLE ON THE PUBLIC HIGHWAYS
8 OF THIS STATE OR WHO KNOWINGLY PERMITS THE OPERATION OF THE
9 MOTOR VEHICLE ON THE PUBLIC HIGHWAYS OF THIS STATE SHALL HAVE IN
10 FULL FORCE AND EFFECT A COMPLYING POLICY UNDER THE TERMS OF THIS
11 PART 6 COVERING THE SAID MOTOR VEHICLE, AND ANY OWNER WHO FAILS
12 TO DO SO SHALL BE SUBJECT TO THE SANCTIONS PROVIDED UNDER
13 SECTIONS 42-4-1409 AND 42-7-301, C.R.S., OF THE "MOTOR VEHICLE
14 FINANCIAL RESPONSIBILITY ACT".

15
16 **10-4-617. Required coverage.** SUBJECT TO THE LIMITATIONS AND
17 EXCLUSIONS AUTHORIZED BY THIS PART 6, THE BASIC COVERAGE REQUIRED
18 FOR COMPLIANCE WITH THIS PART 6 IS LEGAL LIABILITY COVERAGE FOR
19 BODILY INJURY OR DEATH ARISING OUT OF THE USE OF THE MOTOR VEHICLE
20 TO A LIMIT, EXCLUSIVE OF INTEREST AND COSTS, OF TWENTY-FIVE
21 THOUSAND DOLLARS TO ANY ONE PERSON IN ANY ONE ACCIDENT AND
22 FIFTY THOUSAND DOLLARS TO ALL PERSONS IN ANY ONE ACCIDENT AND
23 FOR PROPERTY DAMAGE ARISING OUT OF THE USE OF THE MOTOR VEHICLE
24 TO A LIMIT, EXCLUSIVE OF INTEREST AND COSTS, OF FIFTEEN THOUSAND
25 DOLLARS IN ANY ONE ACCIDENT.

26
27 **10-4-618. Required coverages are minimum.** (1) NOTHING IN
28 THIS PART 6 SHALL BE CONSTRUED TO PROHIBIT THE ISSUANCE OF POLICIES
29 PROVIDING COVERAGES MORE EXTENSIVE THAN THE MINIMUM COVERAGE
30 REQUIRED BY SECTION 10-4-617, NOR TO REQUIRE THE SEGREGATION OF
31 SUCH MINIMUM COVERAGE FROM OTHER COVERAGES IN THE SAME POLICY.
32 HOWEVER, LOSS STATISTICS AS TO BODILY INJURY LIABILITY AND
33 PROPERTY DAMAGE LIABILITY SHALL BE KEPT SEPARATELY FOR RATING
34 PURPOSES, AND SUCH STATISTICS SHALL BE FILED WITH THE COMMISSIONER
35 EACH YEAR.

36
37 (2) ALL INSURERS SHALL OFFER COLLISION COVERAGE FOR
38 DAMAGE TO INSURED MOTOR VEHICLES SUBJECT TO DEDUCTIBLES OF ONE
39 HUNDRED DOLLARS AND TWO HUNDRED FIFTY DOLLARS. INSURERS MAY
40 OFFER SUCH OTHER REASONABLE DEDUCTIBLES AS THEY DEEM
41 APPROPRIATE. COLLISION COVERAGE SHALL PROVIDE INSURANCE
42 WITHOUT REGARD TO FAULT AGAINST ACCIDENTAL PROPERTY DAMAGE TO
43 THE INSURED MOTOR VEHICLE WITH ANOTHER MOTOR VEHICLE OR MOTOR
44 VEHICLE CAUSED BY PHYSICAL CONTACT OF THE INSURED WITH ANOTHER
45 OBJECT OR BY UPSET OF THE INSURED MOTOR VEHICLE, IF THE ACCIDENT
46 OCCURS WITHIN THE UNITED STATES, ITS TERRITORIES OR POSSESSIONS,
47 CANADA, OR MEXICO.

48
49 (3) NO INSURER MAY SURCHARGE, REFUSE TO WRITE, CANCEL, OR
50 NON-RENEW A COMPLYING POLICY OF AUTOMOBILE INSURANCE BASED
51 SOLELY ON THE METHOD OF COMPLIANCE OR LEVEL OF COVERAGE CHOSEN,
52 AS LONG AS THE REQUIREMENTS ARE MET UNDER SECTION 42-3-105 (1) (c)
53 (I) OR (1) (e), C.R.S.

54
55 **10-4-619. Required provision for intrastate and interstate**
56 **operation.** (1) NOTWITHSTANDING ANY OF ITS TERMS AND CONDITIONS,

1 EVERY COMPLYING POLICY SHALL AFFORD COVERAGE AT LEAST AS
2 EXTENSIVE AS THE MINIMUM COVERAGE REQUIRED BY SECTION 10-4-617.

3
4 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
5 THAT A COMPLYING POLICY PROVIDE COVERAGE WHILE THE INSURED
6 MOTOR VEHICLE IS OPERATED IN SUCH OTHER JURISDICTIONS BY REASON
7 OF ANY PROGRAM, STATUTE, LAW, OR ADMINISTRATIVE RULE IN EFFECT IN
8 SUCH OTHER JURISDICTION BY WHICH COVERAGE IS AFFORDED IN SUCH
9 OTHER JURISDICTION THROUGH A GOVERNMENT AGENCY OR PUBLICLY
10 FINANCED AUTO ACCIDENT REPARATIONS PLAN SUCH AS, BY WAY OF
11 ILLUSTRATION AND NOT LIMITATION, PLANS PRESENTLY IN EFFECT IN THE
12 PROVINCE OF SASKATCHEWAN, CANADA, AND THE COMMONWEALTH OF
13 PUERTO RICO, U.S.A.

14
15 (3) NOTWITHSTANDING ANY OF ITS OTHER TERMS AND
16 CONDITIONS, EVERY COMPLYING POLICY SHALL AFFORD COVERAGE AT
17 LEAST AS EXTENSIVE AS THE MINIMUM COVERAGE REQUIRED BY
18 OPERATION OF SECTION 10-4-617, DURING SUCH PERIODS OF TIME AS THE
19 INSURED MOTOR VEHICLE IS OPERATED IN OTHER JURISDICTIONS OF THE
20 UNITED STATES, ITS TERRITORIES OR POSSESSIONS, AND THE PROVINCES OF
21 CANADA, AS THE STATUTES, LAWS, OR ADMINISTRATIVE RULES OF SUCH
22 OTHER JURISDICTIONS REQUIRE WITH RESPECT TO LIABILITY, OR FINANCIAL
23 RESPONSIBILITY, AND DIRECT BENEFIT, OR FIRST PARTY COVERAGES FOR
24 OPERATORS, OCCUPANTS, AND PERSONS INVOLVED IN ACCIDENTS ARISING
25 OUT OF USE OR OPERATION OF MOTOR VEHICLES WITHIN SUCH OTHER
26 JURISDICTIONS.

27
28 (4) (a) NOTWITHSTANDING ANY OF ITS OTHER TERMS AND
29 CONDITIONS, EVERY CONTRACT OF LIABILITY INSURANCE FOR INJURY,
30 WHEREVER ISSUED, COVERING OWNERSHIP, MAINTENANCE, OR USE OF A
31 MOTOR VEHICLE, SHALL PROVIDE COVERAGE AT LEAST AS EXTENSIVE AS
32 THE MINIMUM COVERAGES REQUIRED BY OPERATION OF SECTION 10-4-617,
33 AND QUALIFIES AS SECURITY COVERING THE VEHICLE WHILE IT IS IN THIS
34 STATE.

35
36 (b) AN INSURER AUTHORIZED TO TRANSACT OR TRANSACTING
37 BUSINESS IN THIS STATE MAY NOT EXCLUDE THE MINIMUM COVERAGE
38 REQUIRED BY OPERATION OF SECTION 10-4-617 IN ANY CONTRACT OF
39 LIABILITY INSURANCE FOR INJURY, WHEREVER ISSUED, COVERING
40 OWNERSHIP, MAINTENANCE, OR USE OF A MOTOR VEHICLE WHILE IT IS IN
41 THIS STATE.

42
43 **10-4-620. Conditions and exclusions.** (1) THE COVERAGE
44 DESCRIBED IN SECTION 10-4-617 MAY BE SUBJECT TO CONDITIONS AND
45 EXCLUSIONS THAT ARE NOT INCONSISTENT WITH THE REQUIREMENTS OF
46 THIS PART 6.

47
48 (2) THE COVERAGE DESCRIBED IN SECTION 10-4-617 MAY ALSO BE
49 SUBJECT TO EXCLUSIONS WHERE THE INJURED PERSON:

50
51 (a) SUSTAINS INJURY CAUSED BY HIS OR HER OWN INTENTIONAL
52 ACT; OR

53
54 (b) IS OPERATING A MOTOR VEHICLE AS A CONVERTER WITHOUT A
55 GOOD FAITH BELIEF THAT HE OR SHE IS LEGALLY ENTITLED TO OPERATE OR
56 USE SUCH VEHICLE.

1 (3) (a) THE COVERAGE DESCRIBED IN SECTION 10-4-617 IS
2 CONDITIONED UPON THE INSURER OFFERING COVERAGES PURSUANT TO
3 SECTION 10-4-609 (1).
4

5 (b) THE INSURER SHALL BE DEEMED TO HAVE COMPLIED WITH THE
6 REQUIREMENTS OF SECTION 10-4-609 (1) AND THE EXCLUSION OF THE
7 INSURED FROM UNINSURED MOTORIST COVERAGE SHALL BE DEEMED VALID
8 IF THE NAMED INSURED HAS REJECTED THE UNINSURED MOTORIST
9 COVERAGE IN WRITING. SUCH EXCLUSION SHALL BE CONTINUING UNTIL
10 SUCH TIME AS THE INSURED REQUESTS THAT THE INSURER PROVIDE
11 UNINSURED MOTORIST COVERAGE. THE INSURER SHALL NOT HAVE A DUTY
12 TO OFFER UNINSURED MOTORIST COVERAGE AFTER RECEIVING THE
13 INSURED'S WRITTEN REQUEST FOR EXCLUSION EVEN THOUGH:
14

15 (I) THE VEHICLES INSURED UNDER THE POLICY HAVE CHANGED; OR
16

17 (II) THE POLICY IS REINSTATED, TRANSFERRED, SUBSTITUTED,
18 AMENDED, ALTERED, MODIFIED, REPLACED, OR RENEWED.
19

20 (c) THE INSURER SHALL BE DEEMED TO HAVE COMPLIED WITH
21 SECTION 10-4-609 (1) AND THE INSURED'S UNINSURED MOTORIST
22 COVERAGE SHALL BE DEEMED VALID IF THE INSURER HAS OFFERED
23 COVERAGE AT AVAILABLE LEVELS AND THE INSURED HAS SELECTED
24 COVERAGE OF A CERTAIN VALUE. THE INSURER SHALL NOT HAVE A DUTY
25 TO OFFER CHANGES IN UNINSURED MOTORIST COVERAGE TO THE INSURED
26 EVEN THOUGH:
27

28 (I) THE VEHICLES COVERED UNDER THE POLICY HAVE CHANGED;
29 OR
30

31 (II) THE POLICY IS REINSTATED, TRANSFERRED, SUBSTITUTED,
32 AMENDED, ALTERED, MODIFIED, REPLACED, OR RENEWED; EXCEPT THAT,
33 IF THERE IS AN INCREASE IN BODILY INJURY LIABILITY LIMITS AND THE
34 LIMITS OF THE UNINSURED MOTORIST COVERAGE WOULD BE LESS THAN
35 SUCH LIMITS, THE INSURER SHALL OFFER NEW UNINSURED MOTORIST
36 COVERAGE TO THE INSURED PURSUANT TO SECTION 10-4-609 (2).
37

38 **10-4-621. Self-insurers.** (1) ANY PERSON IN WHOSE NAME MORE
39 THAN TWENTY-FIVE MOTOR VEHICLES ARE REGISTERED MAY QUALIFY AS
40 A SELF-INSURER BY OBTAINING A CERTIFICATE OF SELF-INSURANCE ISSUED
41 BY THE COMMISSIONER.
42

43 (2) THE COMMISSIONER MAY, IN HIS OR HER DISCRETION, UPON THE
44 APPLICATION OF SUCH PERSON, ISSUE A CERTIFICATE OF SELF-INSURANCE
45 WHEN THE COMMISSIONER IS SATISFIED THAT SUCH PERSON IS ABLE AND
46 WILL CONTINUE TO BE ABLE TO PAY DIRECT BENEFITS AS REQUIRED UNDER
47 SECTION 10-4-617 AND TO PAY ANY AND ALL JUDGMENTS THAT MAY BE
48 OBTAINED AGAINST SUCH PERSON. UPON NOT LESS THAN FIVE DAYS'
49 NOTICE AND A HEARING PURSUANT TO SUCH NOTICE, THE COMMISSIONER
50 MAY, UPON REASONABLE GROUNDS, CANCEL A CERTIFICATE OF
51 SELF-INSURANCE. FAILURE TO PAY ANY BENEFITS UNDER SECTION
52 10-4-617 OR FAILURE TO PAY ANY JUDGMENT WITHIN THIRTY DAYS AFTER
53 SUCH JUDGMENT HAS BECOME FINAL SHALL CONSTITUTE A REASONABLE
54 GROUND FOR THE CANCELLATION OF A CERTIFICATE OF SELF-INSURANCE.
55

56 (3) FOR PURPOSES OF SUBSECTION (2) OF THIS SECTION, THE

1 COMMISSIONER SHALL ACCEPT, AS PROOF THAT A MOTOR VEHICLE CARRIER
2 OR CONTRACT CARRIER BY MOTOR VEHICLE, AS DEFINED IN ARTICLES 10
3 AND 11 OF TITLE 40, C.R.S., IS ABLE AND WILL CONTINUE TO BE ABLE TO
4 PAY ALL JUDGMENTS THAT MIGHT BE OBTAINED AGAINST THE CARRIER, A
5 SURETY BOND IN A FORM ACCEPTABLE TO THE COMMISSIONER IN AN
6 AMOUNT DETERMINED BY THE COMMISSIONER SUFFICIENT TO ENSURE THAT
7 THE CARRIER HAS THE ABILITY TO PAY ALL JUDGMENTS THAT MAY BE
8 OBTAINED AGAINST ANY SUCH CARRIER.

9
10 **10-4-622. Quarterly premium payments.** THE COMMISSIONER
11 SHALL ISSUE RULES ESTABLISHING QUARTERLY, SEMIANNUAL, AND
12 ANNUAL PREMIUM PAYMENTS FOR PERSONS WHO ARE REQUIRED TO
13 PURCHASE INSURANCE UNDER THIS PART 6. AN INSURER PROVIDING A
14 PLAN FOR PAYMENTS ON A BASIS THAT IS MORE FREQUENT THAN
15 QUARTERLY NEED NOT ALSO PROVIDE A QUARTERLY PAYMENT PLAN. AN
16 INSURER'S PLAN FOR PAYMENTS MAY PROVIDE FOR PAYMENTS OF AN
17 ADVANCE DEPOSIT PREMIUM.

18
19 **10-4-623. Prohibited reasons for nonrenewal or refusal to write**
20 **a policy of automobile insurance applicable to this part 6.** (1) NO
21 INSURER AUTHORIZED TO TRANSACT OR TRANSACTING BUSINESS IN THIS
22 STATE SHALL REFUSE TO WRITE OR REFUSE TO RENEW A POLICY OF
23 INSURANCE AFFORDING THE COVERAGE REQUIRED BY OPERATION OF
24 SECTION 10-4-617 SOLELY BECAUSE OF THE AGE, RACE, GENDER,
25 NATIONAL ORIGIN, RESIDENCE, MARITAL STATUS, OR LAWFUL OCCUPATION,
26 INCLUDING THE MILITARY SERVICE, OF ANYONE WHO IS OR SEEKS TO
27 BECOME INSURED, OR SOLELY BECAUSE ANOTHER INSURER HAS CANCELED
28 A POLICY OR REFUSED TO WRITE OR RENEW SUCH POLICY. THE
29 COMMISSIONER SHALL ADMINISTER AND ENFORCE THE PROVISIONS OF THIS
30 SUBSECTION (1).

31
32 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
33 AN INSURANCE COMPANY AUTHORIZED TO TRANSACT OR TRANSACTING
34 BUSINESS IN THIS STATE FROM ISSUING POLICIES OF INSURANCE AFFORDING
35 THE COVERAGE REQUIRED BY OPERATION OF SECTION 10-4-617 SOLELY TO
36 A SPECIALTY MARKET AUTHORIZED BY THE COMMISSIONER.

37
38 **10-4-624. Discriminatory standards - premiums - surcharges**
39 **- proof of financial responsibility requirements.** (1) AN INSURER
40 SHALL NOT:

41
42 (a) CANCEL OR NONRENEW, OR INCREASE THE PREMIUM OF, A
43 POLICY OF INSURANCE ON A MOTOR VEHICLE USED BY ANY RESIDENT OF
44 THE HOUSEHOLD OF THE NAMED INSURED SOLELY BECAUSE OF
45 CONVICTIONS FOR TRAFFIC VIOLATIONS THAT RESULTED IN LESS THAN
46 SEVEN POINTS BEING ASSESSED UNDER THE POINT SYSTEM SCHEDULE SET
47 FORTH IN SECTION 42-2-127 (5), C.R.S., RESULTING FROM VIOLATIONS
48 WHILE IN THE COURSE OF EMPLOYMENT WHILE THE INSURED IS DRIVING A
49 MOTOR VEHICLE USED PRIMARILY AS A PUBLIC OR LIVERY CONVEYANCE OR
50 LICENSED AS A COMMERCIAL VEHICLE; OR

51
52 (b) ADD A SURCHARGE TO THE POLICY PREMIUM OF AN INSURED OR
53 A FAMILY MEMBER OF AN INSURED OR OTHER PERSON LIVING IN THE SAME
54 HOUSEHOLD AS AN INSURED IN A MANNER THAT RESULTS IN AN EXCESSIVE
55 OR UNFAIRLY DISCRIMINATORY PREMIUM PURSUANT TO SECTION 10-4-403.

56

1 (2) THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT OR IN ANY
2 MANNER RESTRICT AN INSURER FROM CANCELLING OR REFUSING TO ISSUE
3 OR RENEW A POLICY OF INSURANCE OR FROM INCREASING THE PREMIUM OF
4 AN INSURED ON A MOTOR VEHICLE USED BY HIM OR HER FOR COMMERCIAL
5 PURPOSES OR FROM RECLASSIFYING AN INSURED FOR TRAFFIC VIOLATIONS
6 RECEIVED BY THE INSURED WHILE USING A MOTOR VEHICLE FOR
7 COMMERCIAL PURPOSES.

8
9 **10-4-625. Refusal to write, changes in, cancellation, or**
10 **nonrenewal of policies prohibited.** (1) NO INSURER SHALL CANCEL; FAIL
11 TO RENEW; REFUSE TO WRITE; RECLASSIFY AN INSURED UNDER; REDUCE
12 COVERAGE UNDER, UNLESS THE REDUCTION IS PART OF A GENERAL
13 REDUCTION IN COVERAGE FILED WITH THE COMMISSIONER; OR INCREASE
14 THE PREMIUM FOR, UNLESS THE INCREASE IS PART OF A GENERAL INCREASE
15 IN PREMIUMS FILED WITH THE COMMISSIONER, ANY COMPLYING POLICY
16 BECAUSE THE APPLICANT, INSURED, PERMISSIVE USER, OR ANY RESIDENT
17 OF THE HOUSEHOLD OF THE APPLICANT OR INSURED HAS:

18
19 (a) HAD AN ACCIDENT OR ACCIDENTS THAT ARE NOT THE FAULT OF
20 SUCH NAMED APPLICANT, INSURED, HOUSEHOLD MEMBER, OR PERMISSIVE
21 USER;

22
23 (b) HAD A LICENSE REVOKED PURSUANT TO SECTION 42-2-125 (1)
24 (n), C.R.S., HAD A LICENSE SUSPENDED PURSUANT TO SECTION 42-2-127.5,
25 C.R.S., OR BEEN DENIED A LICENSE PURSUANT TO SECTION 42-2-104 (3)
26 (f), C.R.S., BASED UPON A CONVICTION OR ADJUDICATION UNDER SECTION
27 18-4-501 (2) OR 18-4-509 (2), C.R.S.

28
29 (2) (a) (I) NO INSURER SHALL CANCEL; FAIL TO RENEW;
30 RECLASSIFY AN INSURED UNDER; REDUCE COVERAGE UNDER, UNLESS THE
31 REDUCTION IS PART OF A GENERAL REDUCTION IN COVERAGE FILED WITH
32 THE COMMISSIONER; OR INCREASE THE PREMIUM FOR, UNLESS THE
33 INCREASE IS PART OF A GENERAL INCREASE IN PREMIUMS FILED WITH THE
34 COMMISSIONER, ANY COMPLYING POLICY SOLELY BECAUSE THE INSURED
35 PERSON HAS BEEN CONVICTED OF AN OFFENSE RELATED TO THE FAILURE
36 TO HAVE IN EFFECT COMPULSORY MOTOR VEHICLE INSURANCE OR BECAUSE
37 SUCH PERSON HAS BEEN DENIED ISSUANCE OF A MOTOR VEHICLE
38 REGISTRATION FOR FAILURE TO HAVE SUCH INSURANCE.

39
40 (II) UNLESS ACTUARIAL JUSTIFICATION IN SUPPORT OF THE
41 INSURER'S ACTION THAT HAS BEEN FILED WITH THE COMMISSIONER
42 DEMONSTRATES THAT THERE IS AN INCREASE IN RISK, NO INSURER SHALL
43 REFUSE TO WRITE A POLICY FOR A NEW APPLICANT, SURCHARGE THE
44 PREMIUM OF A NEW APPLICANT, OR PLACE A NEW APPLICANT IN A
45 HIGHER-PRICED PROGRAM OR PLAN BASED SOLELY UPON:

46
47 (A) THE FACT THAT THE APPLICANT HAD NO PRIOR INSURANCE;

48
49 (B) THE IDENTITY OF THE APPLICANT'S PRIOR INSURER; OR

50
51 (C) THE APPLICANT'S PRIOR TYPE OF COVERAGE, INCLUDING
52 ASSIGNED RISK OR RESIDUAL MARKET COVERAGE OR ANY PLAN OTHER
53 THAN A PREFERRED PLAN.

54
55 (III) AN INSURER MAY USE INDUSTRY-WIDE DATA IN ITS ACTUARIAL
56 JUSTIFICATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH (a).

1 (IV) AN INSURER SHALL NOT REFUSE TO WRITE A POLICY FOR A
2 NEW APPLICANT, SURCHARGE THE PREMIUM OF A NEW APPLICANT, OR
3 PLACE A NEW APPLICANT IN A HIGHER-PRICED PROGRAM OR PLAN SOLELY
4 BECAUSE THE APPLICANT HAD NO PRIOR INSURANCE IF THE APPLICANT WAS
5 NOT REQUIRED TO HAVE INSURANCE UNDER SECTION 10-4-617 OR UNDER
6 A SIMILAR LAW IN ANOTHER STATE.

7
8 (b) (I) AN INSURER SHALL NOT REFUSE TO WRITE A COMPLYING
9 POLICY SOLELY BECAUSE OF THE CLAIM OR DRIVING RECORD OF ONE OR
10 MORE BUT FEWER THAN ALL OF THE PERSONS RESIDING IN THE HOUSEHOLD
11 OF THE NAMED INSURED.

12
13 (II) AN INSURER SHALL OFFER TO EXCLUDE ANY PERSON IN A
14 HOUSEHOLD BY NAME PURSUANT TO SECTION 10-4-626 IF SUCH PERSON'S
15 DRIVING RECORD AND CLAIM EXPERIENCE WOULD JUSTIFY THE REFUSAL BY
16 SUCH INSURER TO WRITE A POLICY FOR SUCH PERSON IF SUCH PERSON
17 WERE APPLYING IN SUCH PERSON'S OWN NAME AND NOT AS PART OF A
18 HOUSEHOLD.

19
20 (III) AN INSURER RENEWING A POLICY PURSUANT TO
21 SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) SHALL INCLUDE, AS PART OF
22 SUCH RENEWAL, A WRITTEN NOTICE NAMING THE PARTY SPECIFICALLY
23 EXCLUDED FROM COVERAGE.

24
25 (3) AN INSURED WHO BELIEVES THE PROVISIONS OF SUBSECTION
26 (1) OR (2) OF THIS SECTION HAVE BEEN VIOLATED SHALL HAVE THE RIGHT
27 TO FILE A PROTEST WITH THE COMMISSIONER PURSUANT TO SECTION
28 10-4-625.

29
30 (4) THE COMMISSIONER SHALL PROMULGATE RULES TO IMPLEMENT
31 THIS SECTION.

32
33 **10-4-626. Cancellation - renewal - reclassification.** (1) EXCEPT
34 IN ACCORDANCE WITH THE PROVISIONS OF THIS PART 6, AN INSURER SHALL
35 NOT CANCEL OR FAIL TO RENEW A POLICY OF INSURANCE THAT COMPLIES
36 WITH THIS PART 6, ISSUED IN THIS STATE, AS TO ANY RESIDENT OF THE
37 HOUSEHOLD OF THE NAMED INSURED, FOR ANY REASON OTHER THAN
38 NONPAYMENT OF PREMIUM, OR INCREASE A PREMIUM FOR ANY COVERAGE
39 ON ANY SUCH POLICY UNLESS THE INCREASE IS PART OF A GENERAL
40 INCREASE IN PREMIUMS FILED WITH THE COMMISSIONER AND DOES NOT
41 RESULT FROM A RECLASSIFICATION OF THE INSURED, OR REDUCE THE
42 COVERAGE UNDER ANY SUCH POLICY UNLESS THE REDUCTION IS PART OF
43 A GENERAL REDUCTION IN COVERAGE FILED WITH THE COMMISSIONER OR
44 TO SATISFY THE REQUIREMENTS OF OTHER SECTIONS OF THIS PART 6.

45
46 (2) AN INSURER INTENDING TO TAKE AN ACTION SUBJECT TO THE
47 PROVISIONS OF THIS SECTION SHALL, ON OR BEFORE THE THIRTIETH DAY
48 BEFORE THE PROPOSED EFFECTIVE DATE OF THE ACTION, SEND WRITTEN
49 NOTICE BY FIRST-CLASS MAIL OF ITS INTENDED ACTION TO THE INSURED AT
50 THE INSURED'S LAST KNOWN ADDRESS. THE NOTICE SHALL BE IN
51 TRIPPLICATE AND SHALL STATE IN CLEAR AND SPECIFIC TERMS, ON A FORM
52 THAT HAS BEEN CERTIFIED BY THE INSURER AND THE INSURER HAS FILED
53 A CERTIFICATION WITH THE COMMISSIONER THAT SUCH NOTICE FORM
54 CONFORMS TO COLORADO LAW AND ANY RULES PROMULGATED BY THE
55 COMMISSIONER:

56

- 1 (a) THE PROPOSED ACTION TO BE TAKEN, INCLUDING, IF THE
2 ACTION IS AN INCREASE IN PREMIUM OR REDUCTION IN COVERAGE, THE
3 AMOUNT OF INCREASE AND THE TYPE OF COVERAGE TO WHICH IT IS
4 APPLICABLE OR THE TYPE OF COVERAGE REDUCED AND THE EXTENT OF THE
5 REDUCTION;
6
- 7 (b) THE PROPOSED EFFECTIVE DATE OF THE ACTION;
8
- 9 (c) THE INSURER'S ACTUAL REASONS FOR PROPOSING TO TAKE SUCH
10 ACTION. THE STATEMENT OF REASONS SHALL BE SUFFICIENTLY CLEAR AND
11 SPECIFIC SO THAT A PERSON OF AVERAGE INTELLIGENCE CAN IDENTIFY THE
12 BASIS FOR THE INSURER'S DECISION WITHOUT MAKING FURTHER INQUIRY.
13 GENERALIZED TERMS SUCH AS "PERSONAL HABITS", "LIVING CONDITIONS",
14 "POOR MORALE", OR "VIOLATION OR ACCIDENT RECORD" SHALL NOT
15 SUFFICE TO MEET THE REQUIREMENTS OF THIS SUBSECTION (2).
16
- 17 (d) IF THERE IS COUPLED WITH THE NOTICE AN OFFER TO CONTINUE
18 OR RENEW THE POLICY IN ACCORDANCE WITH SECTION 10-4-625, THE
19 NAME OF THE PERSON OR PERSONS TO BE EXCLUDED FROM COVERAGE AND
20 WHAT THE PREMIUM WOULD BE IF THE POLICY IS CONTINUED OR RENEWED
21 WITH SUCH PERSON OR PERSONS EXCLUDED FROM COVERAGE;
22
- 23 (e) THE RIGHT OF THE INSURED TO REPLACE THE INSURANCE
24 THROUGH AN ASSIGNED RISK PLAN;
25
- 26 (f) THE RIGHT OF THE INSURED TO PROTEST THE PROPOSED ACTION
27 AND REQUEST A HEARING THEREON BEFORE THE COMMISSIONER BY
28 SIGNING TWO COPIES OF THE NOTICE AND SENDING THEM TO THE
29 COMMISSIONER WITHIN TEN DAYS AFTER RECEIPT OF THE NOTICE;
30
- 31 (g) THAT, IF A PROTEST IS FILED BY THE INSURED, THE CURRENT
32 INSURANCE WILL REMAIN IN EFFECT UNTIL A DETERMINATION IS MADE BY
33 THE COMMISSIONER UPON PAYMENT OF ANY LAWFUL PREMIUM DUE OR
34 BECOMING DUE PRIOR TO THE DETERMINATION;
35
- 36 (h) THE AUTHORITY OF THE COMMISSIONER TO AWARD
37 REASONABLE COUNSEL FEES TO THE INSURED FOR SERVICES RENDERED TO
38 THE INSURED IN CONNECTION WITH ANY SUCH HEARING IF THE
39 COMMISSIONER FINDS THE PROPOSED ACTION OF THE INSURER TO BE
40 UNJUSTIFIED.
41
- 42 (3) ANY STATEMENT OF REASONS CONTAINED IN THE NOTICE GIVEN
43 PURSUANT TO PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION SHALL
44 BE PRIVILEGED AND SHALL NOT CONSTITUTE GROUNDS FOR ANY ACTION
45 AGAINST THE INSURER OR ITS REPRESENTATIVES OR ANY PERSON WHO IN
46 GOOD FAITH FURNISHED TO THE INSURER THE INFORMATION UPON WHICH
47 THE STATEMENT IS BASED.
48
- 49 (4) AN INSURED SHALL HAVE THE RIGHT TO PROTEST THE
50 PROPOSED ACTION OF THE INSURER BY SIGNING TWO COPIES OF THE NOTICE
51 AND SENDING THEM TO THE COMMISSIONER WITHIN TEN DAYS AFTER
52 RECEIPT OF THE NOTICE. THE COMMISSIONER SHALL, UPON RECEIPT OF A
53 PROTEST, NOTIFY THE INSURER OF THE FILING OF THE PROTEST.
54
- 55 (5) A PROTEST DULY FILED SHALL STAY THE PROPOSED ACTION OF
56 THE INSURER PENDING A FINAL DETERMINATION THEREOF BY THE

1 COMMISSIONER, AND THE INSURER SHALL KEEP IN FULL FORCE AND EFFECT
2 THE SAME COVERAGE AND PREMIUM IN EFFECT ON THE DAY THE NOTICE OF
3 PROPOSED CHANGE WAS SENT UNTIL SUCH FINAL DETERMINATION IS MADE,
4 IF ANY LAWFUL PREMIUM DUE OR BECOMING DUE PRIOR TO SUCH
5 DETERMINATION IS PAID.

6
7 (6) IF THE COMMISSIONER FINDS FROM THE NOTICE AND OTHER
8 EVIDENCE THAT THE PROTEST IS WITH OR WITHOUT MERIT, THE
9 COMMISSIONER MAY GRANT OR DISMISS THE PROTEST WITHOUT A HEARING
10 AND SHALL, IN THAT EVENT, PROMPTLY NOTIFY THE INSURER AND THE
11 INSURED IN WRITING OF SUCH ACTION. IF THE PROTEST IS DISMISSED
12 WITHOUT A HEARING, THE PROPOSED ACTION OF THE INSURER SHALL
13 BECOME EFFECTIVE ON ITS PROPOSED EFFECTIVE DATE OR FIFTEEN DAYS
14 AFTER WRITTEN NOTICE OF THE ACTION IS GIVEN BY THE COMMISSIONER
15 TO THE INSURED, WHICHEVER IS LATER. IF THE NOTICE OF THE PROPOSED
16 ACTION DOES NOT COMPLY WITH COLORADO LAW, THE COMMISSIONER
17 SHALL DISALLOW THE ACTION. IN ALL OTHER CASES, THE COMMISSIONER
18 SHALL HOLD A HEARING ON THE PROTEST WITHIN THIRTY DAYS AFTER
19 RECEIPT OF THE PROTEST AND SHALL GIVE WRITTEN NOTICE OF THE TIME
20 AND PLACE THEREOF TO THE INSURER AND THE INSURED AT LEAST TEN
21 DAYS PRIOR TO THE SCHEDULED DATE OF THE HEARING. THE INSURER
22 SHALL HAVE THE BURDEN OF PROVING ITS PROPOSED ACTION TO BE
23 JUSTIFIED AND, IN DOING SO, MAY RELY ONLY UPON THE REASONS SET
24 FORTH IN ITS NOTICE TO THE INSURED.

25
26 (7) IF THE COMMISSIONER FINDS THE PROPOSED ACTION TO BE
27 JUSTIFIED, THE COMMISSIONER SHALL DISMISS THE PROTEST AND ALLOW
28 THE PROPOSED ACTION TO BE TAKEN ON ITS PROPOSED EFFECTIVE DATE OR
29 TWENTY DAYS AFTER THE DATE OF THE DETERMINATION, WHICHEVER IS
30 LATER. IF THE COMMISSIONER FINDS THE PROPOSED ACTION TO BE
31 UNJUSTIFIED, THE COMMISSIONER SHALL DISALLOW THE ACTION AND MAY,
32 IN ADDITION, ORDER THE INSURER TO PAY SUCH REASONABLE COUNSEL
33 FEES INCURRED BY THE INSURED FOR REPRESENTATION AT THE HEARING AS
34 THE COMMISSIONER MAY DEEM APPROPRIATE. THE COMMISSIONER MAY
35 DELEGATE THE DUTIES AND POWERS CONFERRED IN THIS SECTION TO ONE
36 OR MORE EMPLOYEES OR TO ONE OR MORE ADMINISTRATIVE LAW JUDGES
37 APPOINTED PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S.,
38 SUBJECT TO APPROPRIATIONS FOR SUCH ADMINISTRATIVE LAW JUDGES
39 MADE TO THE DEPARTMENT OF PERSONNEL. ANY HEARING SHALL BE
40 CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-4-105,
41 C.R.S.

42
43 (8) ANY FINAL DECISION OF THE COMMISSIONER SHALL BE SUBJECT
44 TO JUDICIAL REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION
45 24-4-106 (11), C.R.S.

46
47 (9) THIS SECTION SHALL NOT APPLY TO ANY INSURANCE POLICY OR
48 COVERAGE THAT HAS BEEN IN EFFECT LESS THAN SIXTY DAYS AT THE TIME
49 NOTICE OF CANCELLATION, NONRENEWAL, OR RECLASSIFICATION IS
50 MAILED OR DELIVERED BY THE INSURER, UNLESS IT IS A RENEWAL POLICY.

51
52 **10-4-627. Exclusion of named driver.** (1) IN ANY CASE WHERE
53 AN INSURER IS AUTHORIZED UNDER THIS PART 6 TO CANCEL OR REFUSE TO
54 RENEW OR INCREASE THE PREMIUMS ON AN AUTOMOBILE LIABILITY
55 INSURANCE POLICY UNDER WHICH MORE THAN ONE PERSON IS INSURED
56 BECAUSE OF THE CLAIM EXPERIENCE OR DRIVING RECORD OF ONE OR MORE

1 BUT LESS THAN ALL OF THE PERSONS INSURED UNDER THE POLICY, THE
2 INSURER SHALL IN LIEU OF CANCELLATION, NONRENEWAL, OR PREMIUM
3 INCREASE OFFER TO CONTINUE OR RENEW THE INSURANCE BUT TO
4 EXCLUDE FROM COVERAGE, BY NAME, THE PERSON WHOSE CLAIM
5 EXPERIENCE OR DRIVING RECORD WOULD HAVE JUSTIFIED THE
6 CANCELLATION OR NONRENEWAL. THE PREMIUMS CHARGED ON ANY SUCH
7 POLICY EXCLUDING A NAMED DRIVER SHALL NOT REFLECT THE CLAIMS,
8 EXPERIENCE, OR DRIVING RECORD OF THE EXCLUDED NAMED DRIVER.
9

10 (2) WITH RESPECT TO ANY PERSON EXCLUDED FROM COVERAGE
11 UNDER THIS SECTION, THE POLICY MAY PROVIDE THAT THE INSURER SHALL
12 NOT BE LIABLE FOR DAMAGES, LOSSES, OR CLAIMS ARISING OUT OF THIS
13 OPERATION OR USE OF THE INSURED MOTOR VEHICLE, WHETHER OR NOT
14 SUCH OPERATION OR USE WAS WITH THE EXPRESS OR IMPLIED PERMISSION
15 OF A PERSON INSURED UNDER THE POLICY.
16

17 **10-4-628. Insurers to file rate schedule.** ANY INSURER
18 AUTHORIZED TO TRANSACT OR TRANSACTING BUSINESS IN THIS STATE
19 SHALL FILE A SCHEDULE OF INSURANCE RATES FOR THE MINIMUM
20 COVERAGES REQUIRED UNDER THIS PART 6 NO LATER THAN JULY 1, 2003.
21 THE COMMISSIONER SHALL MAKE THE INFORMATION REQUIRED BY THIS
22 SECTION OPEN TO PUBLIC INSPECTION NO LATER THAN JULY 1, 2003.
23

24 **10-4-629. Reduction in rates for drivers aged fifty-five years
25 or older who complete a driver's education course - legislative
26 declaration.** (1) (a) (I) THE GENERAL ASSEMBLY FINDS AND DETERMINES
27 THAT MOTOR VEHICLE ACCIDENTS CAUSE A SUBSTANTIAL ECONOMIC
28 IMPACT IN LOST WAGES, MEDICAL BILLS, LEGAL FEES, REHABILITATION
29 COSTS, AND HIGHER INSURANCE RATES.
30

31 (II) THE GENERAL ASSEMBLY ALSO FINDS THAT THE MOTOR
32 VEHICLE ACCIDENT RATE CREATES AN ADDITIONAL SOCIETAL BURDEN IN
33 THE FORM OF TAXES FOR MEDICAID, FOR THE MEDICALLY INDIGENT, AND
34 FOR OTHER HOSPITAL-RELATED COSTS.
35

36 (III) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE NUMBER
37 OF SUCH ACCIDENTS AND INJURIES IS POSITIVELY AFFECTED WHEN DRIVERS
38 FIFTY-FIVE YEARS OF AGE OR OLDER TAKE DRIVER'S EDUCATION COURSES.
39

40 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
41 APPROPRIATE AND BENEFICIAL TO ALL THE PEOPLE OF COLORADO THAT
42 DRIVERS FIFTY-FIVE YEARS OF AGE OR OLDER WITH RECENT TRAINING AND
43 GOOD DRIVING RECORDS PAY EXPERIENCE-BASED INSURANCE PREMIUMS.
44

45 (c) A FINANCIAL INCENTIVE IN THE FORM OF LOWER PREMIUMS
46 WILL PROMPT DRIVERS FIFTY-FIVE YEARS OF AGE OR OLDER TO TAKE
47 DRIVER'S EDUCATION COURSES AND WILL FURTHER THE GOAL OF THE
48 GENERAL ASSEMBLY TO REDUCE ACCIDENT-RELATED INJURIES AND
49 FATALITIES IN COLORADO.
50

51 (2) ALL RATES, RATING SCHEDULES, AND RATING MANUALS FOR
52 LIABILITY AND COLLISION COVERAGES OF A MOTOR VEHICLE INSURANCE
53 POLICY SUBMITTED TO OR FILED WITH THE COMMISSIONER UNDER THIS
54 PART 6 SHALL PROVIDE FOR AN APPROPRIATE REDUCTION IN PREMIUM
55 CHARGES BASED ON JUSTIFIABLE DATA WHEN THE VEHICLE IS A COVERED
56 VEHICLE AND WHEN THE PRINCIPAL OPERATOR IS FIFTY-FIVE YEARS OF AGE

1 OR OLDER AND HAS SUCCESSFULLY COMPLETED A DRIVER'S EDUCATION
2 COURSE TAUGHT BY A DRIVING SCHOOL REGULATED PURSUANT TO ARTICLE
3 15 OF TITLE 12, C.R.S., OR BY A NONPROFIT CORPORATION SUBJECT TO
4 ARTICLES 121 TO 137 OF TITLE 7, C.R.S., IF SUCH COURSE HAS BEEN
5 PREAPPROVED BY THE DEPARTMENT OF REVENUE. ANY DISCOUNT USED BY
6 AN INSURER SHALL BE PRESUMED APPROPRIATE UNLESS CREDIBLE DATA
7 DEMONSTRATES OTHERWISE. INSURERS SHALL PROVIDE THE
8 COMMISSIONER WITH DATA REFLECTING THE CLAIMS EXPERIENCE OF
9 DRIVERS WHO HAVE RECEIVED REDUCTIONS IN PREMIUM CHARGES
10 COMPARED WITH THE CLAIMS EXPERIENCE OF DRIVERS WHO HAVE NOT
11 RECEIVED SUCH REDUCTIONS.

12
13 (3) EACH PERSON WHO SUCCESSFULLY COMPLETES A DRIVER'S
14 EDUCATION COURSE TAUGHT BY A COMMERCIAL DRIVING SCHOOL
15 REGULATED PURSUANT TO ARTICLE 15 OF TITLE 12, C.R.S., SHALL BE
16 ISSUED A CERTIFICATE BY THE COMMERCIAL DRIVING SCHOOL OFFERING
17 THE COURSE, WHICH CERTIFICATE SHALL BE EVIDENCE OF QUALIFICATION
18 FOR THE PREMIUM DISCOUNT REQUIRED BY THIS SECTION.

19
20 (4) EACH PERSON WHO SUCCESSFULLY COMPLETES A DRIVER'S
21 EDUCATION COURSE TAUGHT BY A NONPROFIT CORPORATION SUBJECT TO
22 ARTICLES 121 TO 137 OF TITLE 7, C.R.S., IF SUCH COURSE HAS BEEN
23 PREAPPROVED BY THE DEPARTMENT OF REVENUE, SHALL BE ISSUED A
24 CERTIFICATE BY THE NONPROFIT CORPORATION OFFERING THE COURSE,
25 WHICH CERTIFICATE SHALL BE EVIDENCE OF QUALIFICATION FOR THE
26 PREMIUM DISCOUNT REQUIRED BY THIS SECTION.

27
28 (5) THE PREMIUM REDUCTION REQUIRED BY THIS SECTION SHALL
29 BE EFFECTIVE FOR AN INSURED FOR A THREE-YEAR PERIOD AFTER
30 SUCCESSFUL COMPLETION OF THE APPROVED COURSE. HOWEVER, THE
31 INSURER MAY REQUIRE, AS A CONDITION OF PROVIDING AND MAINTAINING
32 SUCH DISCOUNT, THAT THE INSURED, DURING THE THREE-YEAR PERIOD
33 AFTER COURSE COMPLETION, NOT BE INVOLVED IN AN ACCIDENT FOR
34 WHICH THE INSURED IS HELD AT FAULT.

35
36 (6) AN INSURED MAY RENEW QUALIFICATION FOR THE DISCOUNT
37 PROVIDED BY THIS SECTION BY:

38
39 (a) (I) RETAKING A DRIVER'S EDUCATION COURSE TAUGHT BY A
40 COMMERCIAL DRIVING SCHOOL REGULATED PURSUANT TO ARTICLE 15 OF
41 TITLE 12, C.R.S.; OR

42
43 (II) RETAKING A DRIVER'S EDUCATION COURSE TAUGHT BY A
44 NONPROFIT CORPORATION SUBJECT TO ARTICLES 121 TO 137 OF TITLE 7,
45 C.R.S., IF SUCH COURSE HAS BEEN PREAPPROVED BY THE DEPARTMENT OF
46 REVENUE; AND

47
48 (b) NOT BEING INVOLVED IN AN ACCIDENT FOR WHICH THE
49 INSURED IS HELD AT FAULT.

50
51 (7) THIS SECTION SHALL NOT APPLY WHERE AN INSURED DRIVER IS
52 TAKING A DRIVER'S EDUCATION COURSE AS A RESULT OF AN ORDER OF A
53 COURT OR OTHER GOVERNMENTAL ENTITY RESULTING FROM A MOVING
54 TRAFFIC VIOLATION.

55
56 **10-4-630. Certification of policy and notice forms. (1) ALL**

1 INSURERS PROVIDING AUTOMOBILE INSURANCE AND WHO ARE AUTHORIZED
2 BY THE COMMISSIONER TO CONDUCT BUSINESS IN COLORADO SHALL
3 SUBMIT AN ANNUAL REPORT TO THE COMMISSIONER LISTING ANY POLICY
4 FORMS, ENDORSEMENTS, CANCELLATION NOTICES, RENEWAL NOTICES,
5 DISCLOSURE FORMS, NOTICES OF PROPOSED PREMIUM INCREASES, NOTICES
6 OF PROPOSED REDUCTIONS IN COVERAGE, AND SUCH OTHER FORMS AS MAY
7 BE REQUESTED BY THE COMMISSIONER ISSUED OR DELIVERED TO ANY
8 POLICYHOLDER IN COLORADO. SUCH LISTING SHALL BE SUBMITTED NO
9 LATER THAN JULY 1 OF EACH YEAR AND SHALL CONTAIN A CERTIFICATION
10 BY AN OFFICER OF THE ORGANIZATION THAT TO THE BEST OF THE OFFICER'S
11 KNOWLEDGE EACH POLICY FORM, ENDORSEMENT, OR NOTICE FORM IN USE
12 COMPLIES WITH COLORADO LAW. THE NECESSARY ELEMENTS OF THE
13 CERTIFICATION SHALL BE DETERMINED BY THE COMMISSIONER.

14
15 (2) ALL INSURERS PROVIDING AUTOMOBILE INSURANCE AND WHO
16 ARE AUTHORIZED BY THE COMMISSIONER TO CONDUCT BUSINESS IN
17 COLORADO SHALL ALSO SUBMIT TO THE COMMISSIONER A LIST OF ANY
18 NEW POLICY FORM, ENDORSEMENT, CANCELLATION NOTICE, RENEWAL
19 NOTICE, DISCLOSURE FORM, NOTICE OF PROPOSED PREMIUM INCREASE,
20 NOTICE OF PROPOSED REDUCTIONS IN COVERAGE, AND ANY OTHER FORM
21 AS MAY BE REQUESTED BY THE COMMISSIONER AT LEAST THIRTY-ONE
22 DAYS BEFORE USING SUCH POLICY FORM, ENDORSEMENT, CANCELLATION
23 NOTICE, RENEWAL NOTICE, DISCLOSURE FORM, NOTICE OF PROPOSED
24 PREMIUM INCREASE, NOTICE OF PROPOSED REDUCTIONS IN COVERAGE, AND
25 ANY OTHER FORM AS MAY BE REQUESTED BY THE COMMISSIONER. SUCH
26 LISTING SHALL ALSO CONTAIN A CERTIFICATION BY AN OFFICER OF THE
27 ORGANIZATION THAT TO THE BEST OF THE OFFICER'S KNOWLEDGE EACH
28 NEW POLICY FORM, ENDORSEMENT, OR NOTICE FORM PROPOSED TO BE
29 USED COMPLIES WITH COLORADO LAW. THE NECESSARY ELEMENTS OF THE
30 CERTIFICATION SHALL BE DETERMINED BY THE COMMISSIONER.

31
32 (3) THE COMMISSIONER SHALL HAVE THE POWER TO EXAMINE AND
33 INVESTIGATE INSURERS AUTHORIZED TO CONDUCT BUSINESS IN COLORADO
34 TO DETERMINE WHETHER AUTOMOBILE POLICY FORMS, ENDORSEMENTS,
35 CANCELLATION NOTICES, RENEWAL NOTICES, DISCLOSURE FORMS, NOTICES
36 OF PROPOSED PREMIUM INCREASES, NOTICES OF PROPOSED REDUCTIONS IN
37 COVERAGE, AND SUCH OTHER FORMS AS MAY BE REQUESTED BY THE
38 COMMISSIONER COMPLY WITH THE CERTIFICATION OF THE ORGANIZATION
39 AND STATUTORY MANDATES.

40
41 **SECTION 4.** 42-4-1409 (1), (2), (3), (4) (a), (4) (b), (5), and (6),
42 Colorado Revised Statutes, are amended to read:

43
44 **42-4-1409. Compulsory insurance - penalty - repeal.** (1) No
45 owner of a motor vehicle required to be registered in this state shall
46 operate the vehicle or permit it to be operated on the public highways of
47 this state when the owner has failed to have a complying policy or
48 certificate of self-insurance in full force and effect as required by ~~sections~~
49 ~~10-4-705 and 10-4-716~~ SECTION 10-4-616, C.R.S.

50
51 (2) No person shall operate a motor vehicle on the public
52 highways of this state without a complying policy or certificate of
53 self-insurance in full force and effect as required by ~~sections 10-4-705~~
54 ~~and 10-4-716~~ SECTION 10-4-616, C.R.S.

55
56 (3) When an accident occurs, or when requested to do so

1 following any lawful traffic contact or during any traffic investigation by
2 a peace officer, no owner or operator of a motor vehicle shall fail to
3 present to the requesting officer immediate evidence of a complying
4 policy or certificate of self-insurance in full force and effect as required
5 by ~~sections 10-4-705 and 10-4-716~~ SECTION 10-4-616, C.R.S.

6
7 (4) (a) Any person who violates the provisions of subsection (1),
8 (2), or (3) of this section commits a class 1 misdemeanor traffic offense.
9 The minimum fine imposed by section 42-4-1701 (3) (a) (II) (A) shall be
10 mandatory, and the court shall not suspend such minimum fine, in whole
11 or in part, unless it is established that appropriate insurance as required
12 under ~~sections 10-4-705 and 10-4-716~~ SECTION 10-4-616, C.R.S., has
13 been obtained. Nothing in this paragraph (a) shall be construed to
14 prevent the court from imposing a fine greater than the minimum
15 mandatory fine.

16
17 (b) Upon a second or subsequent conviction under this section
18 within a period of two years following a prior conviction under this
19 section, in addition to any imprisonment imposed pursuant to section
20 42-4-1701 (3) (a) (II) (A), the defendant shall be punished by a minimum
21 mandatory fine of not less than two hundred dollars, and the court shall
22 not suspend such minimum fine, in whole or in part, unless it is
23 established that appropriate insurance as required under ~~sections~~
24 ~~10-4-705 and 10-4-716~~ SECTION 10-4-616, C.R.S., has been obtained.
25 Nothing in this paragraph (b) shall be construed to prevent the court from
26 imposing a fine greater than the minimum mandatory fine.

27
28 (5) Testimony of the failure of any owner or operator of a motor
29 vehicle to present immediate evidence of a complying policy or certificate
30 of self-insurance in full force and effect as required by ~~sections 10-4-705~~
31 ~~and 10-4-716~~ SECTION 10-4-616, C.R.S., when requested to do so by a
32 peace officer, shall constitute prima facie evidence, at a trial concerning
33 a violation charged under subsection (1) or (2) of this section, that such
34 owner or operator of a motor vehicle violated subsection (1) or (2) of this
35 section.

36
37 (6) No person charged with violating subsection (1), (2), or (3) of
38 this section shall be convicted if the person produces in court a bona fide
39 complying policy or certificate of self-insurance ~~which~~ THAT was in full
40 force and effect, as required by ~~sections 10-4-705 and 10-4-716~~ SECTION
41 10-4-616, C.R.S., at the time of the alleged violation.

42
43 **SECTION 5. Effective date - applicability.** This act shall take
44 effect July 1, 2003, and shall apply to automobile insurance policies
45 written on or after said date.

46
47 **SECTION 6. Safety clause.** The general assembly hereby finds,
48 determines, and declares that this act is necessary for the immediate
49 preservation of the public peace, health, and safety."
50
51
52
53
54
55

1 **LOCAL GOVERNMENT**

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

4
5 **SB03-242** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend reengrossed bill, page 2, line 5, strike "TWENTY-ONE" and
10 substitute "TWENTY";

11
12 line 10, strike "DESIGNEE,";

13
14 line 13, strike "~~one~~ TWO lay ~~member~~ MEMBERS." and substitute "one lay
15 member.";

16
17 line 14, strike "AND the lay ~~member, and~~" and substitute "the lay member,
18 and";

19
20 line 15, strike "~~the local government representative~~ MEMBERS" and
21 substitute "the local government representative";

22
23 line 16, strike "The governor shall make" and substitute "~~The governor~~
24 ~~shall make~~";

25
26 strike lines 17 through 19 and substitute the following:

27
28 "~~appointments of chiefs of police, and sheriffs, in such a manner so that~~
29 ~~there is equal representation between departments which have their own~~
30 ~~or which use another training academy.~~";

31
32 line 20, strike "OR lay member ~~or local~~" and substitute "lay member, or
33 local";

34
35 line 21, strike "~~government representative~~" and substitute "government
36 representative".

37
38
39
40 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
41 **on SB03-305**

42
43 This Report Amends the Rerevised Bill.

44
45 To the President of the Senate and the
46 Speaker of the House of Representatives:

47
48 Your first conference committee appointed on SB03-305,
49 concerning payment of expenses of the legislative department, and
50 making an appropriation in connection therewith, has met and reports that
51 it has agreed upon the following:

52
53 1. That the Senate accede to the House amendments made to the
54 bill, as said amendments appear in the rerevised bill, with the following
55 changes:

56

1 Amend rerevised bill, page 4, line 13, after "fund.", add "It is the intent
2 of the general assembly that, of this amount, any moneys budgeted for
3 special session costs during the 2003-04 fiscal year that are not expended
4 for this purpose during the 2003 interim be expended for legislative aides
5 during the 2004 regular session. The executive committee of legislative
6 council shall determine the amount of moneys available for expenditure
7 for legislative aides no later than December 1, 2003."
8

9 2. That, under the authority granted the committee to consider
10 matters not at issue between the two houses, the following amendment be
11 recommended:
12

13 Amend rerevised bill, page 2, line 26, after "fund.", add "It is the intent
14 of the general assembly that, of this amount, any moneys budgeted for
15 special session costs during the 2003-04 fiscal year that are not expended
16 for this purpose during the 2003 interim be expended for legislative aides
17 during the 2004 regular session. The executive committee of legislative
18 council shall determine the amount of moneys available for expenditure
19
20 for legislative aides no later than December 1, 2003."
21

22 Respectfully submitted,

23 Senate Committee:
24 Norma Anderson
25 Ken Chlouber
26 Doug Linkhart
27

House Committee:
Keith King
Jennifer Veiga
Tambor Williams

30 PRINTING REPORT

31
32 The Chief Clerk reports the following bills have been correctly printed:
33 **HB03-1358, 1359, 1360, 1361.**
34

37 MESSAGES FROM THE SENATE

38
39 Madam Speaker:

40
41 The Senate voted to concur in House amendments to SB03- 259, 246, 267, 272,
42 273, and repassed the bills as amended.
43

44 The Senate has voted not to concur in House Amendments to SB03-291 and
45 requests that a Conference Committee be appointed. The President appointed
46 Senators Owen, Chm., Teck and Reeves as members of the First Conference
47 Committee on the part of the Senate. The Senate granted permission to members
48 of the First Conference Committee on SB03-291 to consider matters not at issue
49 between the two houses. The bill is transmitted herewith.
50

51 The Senate has voted not to concur in House Amendments to SB03-300 and
52 requests that a Conference Committee be appointed. The President appointed
53 Senators Teck, Chm., Owen and Reeves as members of the First Conference
54 Committee on the part of the Senate. The bill is transmitted herewith.
55

1 The Senate has voted not to concur in House Amendments to SB03-282 and
2 requests that a Conference Committee be appointed. The President appointed
3 Senators Teck, Chm., Owen and Reeves as members of the First Conference
4 Committee on the part of the Senate. The bill is transmitted herewith.

5
6 The Senate has voted not to concur in House Amendments to SB03-268 and
7 requests that a Conference Committee be appointed. The President appointed
8 Senators Owen, Chm., Teck and Reeves as members of the First Conference
9 Committee on the part of the Senate. The bill is transmitted herewith.

10
11 The Senate has voted not to concur in House Amendments to SB03-258 and
12 requests that a Conference Committee be appointed. The President appointed
13 Senators Owen, Chm., Teck and Reeves as members of the First Conference
14 Committee on the part of the Senate. The Senate granted permission to
15 members of the First Conference Committee on SB03-258 to consider matters
16 not at issue between the two houses. The bill is transmitted herewith.

17

18

19 The Senate has passed on Third Reading and returns herewith HB03-1333.

20

21 The Senate has passed on Third Reading and transmitted to the Revisor of
22 Statutes: SB03-304.

23

24 SB03-317, amended as printed in Senate Journal, April 15, 2003, page 1044.

25

26

27

28

MESSAGE FROM THE REVISOR

29

30 We herewith transmit:

31 Without comment, SB03-304.

32 Without comment, as amended, SB03-317.

33

34

35

36

INTRODUCTION OF RESOLUTION

37

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

40

41 **HJR03-1058** by Representative(s) Vigil, Frangas, Borodkin, Boyd,
42 Butcher, Carroll, Coleman, Garcia, Hall, Hodge, Jahn,
43 Johnson R., Larson, Madden, Marshall, McFadyen,
44 Miller, Mitchell, Pommer, Rhodes, Rippy, Romanoff,
45 Rose, Salazar, Stengel, Tochtrop, Veiga, Young; also
46 Senator(s) Tapia, Sandoval--Concerning the celebration of
47 Cinco de Mayo.

48

49 WHEREAS, Cinco de Mayo celebrates the triumph of a small
50 Mexican army over the French army, which outnumbered the Mexican
51 troops by more than two to one, at the "Battalla de Puebla" on May 5,
52 1862, in the Mexican town of Puebla; and

53

54 WHEREAS, The Mexican victory at Puebla became a symbol of
55 Mexican unity and patriotism and inspired the Mexican people to fight
56 with renewed determination; and

1 WHEREAS, The battle commemorated by Cinco de Mayo is
2 important to Mexico and Latin America for many reasons, especially
3 because it filled the Mexican people with great pride and enthusiasm for
4 their country, it demonstrated that some of the best troops in Europe
5 could be defeated by a small but determined group of local citizens, and
6 it symbolized the people's right to self-determination and national
7 sovereignty; and

8
9 WHEREAS, The United States sent forces to Mexico to help drive
10 out the French, and Mexico became one of the staunchest and most loyal
11 allies of the United States, joining the United States in fighting many
12 wars including World War II and the Persian Gulf War; and

13
14 WHEREAS, Mexicans never forget who their friends are, and
15 neither do Americans, which is why Cinco De Mayo is such a party that
16 celebrates freedom and liberty, two ideals that Mexicans and Americans
17 have fought shoulder to shoulder to protect ever since the 5th of May,
18 1862; and

19
20 WHEREAS, Cinco de Mayo is a national holiday in Mexico and
21 is celebrated with speeches and parades and is celebrated not only by
22 Mexico but by many cities throughout the United States, where it has
23 become an opportunity to celebrate Hispanic culture; and

24
25 WHEREAS, Cinco de Mayo is celebrated in Colorado towns
26 where festivities include Hispanic musical groups, Mexican food,
27 children's dance troops performing traditional Spanish dances, and
28 Hispanic artisans displaying their wares; and

29
30 WHEREAS, Cinco de Mayo has become a celebration for both
31 Hispanics and non-Hispanics alike that educates people about Mexican
32 history and celebrates Hispanic culture; now, therefore,

33
34 *Be It Resolved by the House of Representatives of the Sixty-fourth*
35 *General Assembly of the State of Colorado, the Senate concurring*
36 *herein:*

37
38 That we, the members of the Colorado General Assembly,
39 commemorate the battle of Puebla and congratulate the Mexican people
40 on their historic victory and patriotism.

41
42 *Be It Further Resolved,* That we wish to encourage the celebration
43 of Mexican and Hispanic culture and history in Colorado.

44 INTRODUCTION OF MEMORIALS

45
46
47
48 The following memorials were read by title and laid over one day under
49 the rules:

50
51 **HM03-1001** by Representative(s) Rhodes--Concerning memorializing
52 former Representative Faye Fleming.

53
54 WHEREAS, By the Will of Divine Providence, our beloved
55 former member, Faye Fleming, departed this life in August, 2002, at the
56 age of 59; and

1 WHEREAS, Representative Fleming was born February 19, 1943,
2 in Johnson City, New York; and
3

4 WHEREAS, Representative Fleming attended Iowa Wesleyan
5 College and the University of Colorado at Boulder and graduated from
6 Metropolitan State College of Denver with a bachelor's degree in history
7 and a minor in public administration; and
8

9 WHEREAS, Representative Fleming was elected in 1982 to the
10 Colorado House of Representatives where she served five terms, first
11 representing the Democratic, and later the Republican, party; and
12

13 WHEREAS, During her tenure as a representative for District 31,
14 Representative Fleming served on several committees, including the State
15 Affairs Committee, the Business Affairs and Labor Committee, the
16 Agriculture, Livestock, and Natural Resources Committee, and the
17 Judiciary Committee, and served as vice-chair of the Local Government
18 Committee and chair of the Transportation and Energy Committee; and
19

20 WHEREAS, Representative Fleming introduced legislation to
21 create a sex offender registry, a tool that today enables local law
22 enforcement to better keep track of sex offenders who are living within
23 the community; and
24

25 WHEREAS, Representative Fleming was a knowledgeable
26 advocate for legislation that would force the cleanup of underground
27 petroleum storage tanks, as well as a strong proponent of recycling issues;
28 and
29

30 WHEREAS, Representative Fleming's work in the legislature
31 earned her many accolades, including Colorado National Child Support
32 Enforcement Legislator of the Year in 1985, Thornton Business and
33 Professional Women's Outstanding Woman of the Year in 1986,
34 Colorado Recycles Legislator of the Year in 1991, a National Federation
35 of Independent Business Guardian of Small Business in 1991-92, and the
36 Colorado Association of Commerce and Industry's Legislator of the Year
37 in 1992; and
38

39 WHEREAS, After her departure from the legislature,
40 Representative Fleming continued her service to the community through
41 her time as a lobbyist; and
42

43 WHEREAS, In addition to her legislative work, Representative
44 Fleming assisted her community through her work as chair of the
45 Colorado Child Support Commission, founding member of the
46 Mobile/Manufactured Housing Task Force, and chair of the Adams
47 County Planning Commission; and
48

49 WHEREAS, Representative Fleming was known and will be
50 remembered for her passion for her constituents, her behind-the-scenes
51 work, and her willingness to fight for her positions on particular issues;
52 and
53

54 WHEREAS, It is fitting that we, the members of the House of
55 Representatives of the Sixty-fourth General Assembly, pay tribute to the

1 dedicated service of Representative Faye Fleming and express our deep
2 regret and sorrow occasioned by her death; now, therefore,

3

4 *Be It Resolved by the House of Representatives of the Sixty-fourth*
5 *General Assembly of the State of Colorado:*

6

7 That, in the death of Faye Fleming, the people of the state of
8 Colorado have lost a dedicated public servant and outstanding citizen,
9 and that we, the members of the House of Representatives of the
10 Sixty-fourth General Assembly, do hereby extend our deep and heartfelt
11 sympathy to the members of her family and pay tribute to a woman who
12 served her state well and faithfully.

13

14 *Be It Further Resolved,* That copies of this Memorial be sent to
15 Representative Fleming's husband Larry French, her daughter Heather
16 Schultze, her son Andrew Barnard, and her sister Jill Curran.

17

18

19

20 **HM03-1002** by Representative(s) Weddig--Memorializing former
21 Representative William Young.

22

23 WHEREAS, By the Will of Divine Providence, our beloved
24 former member, the Honorable William Young, departed this life on
25 March 28, 2002, at the age of 84; and

26

27 WHEREAS, Representative Young was born on August 25, 1917,
28 in Cripple Creek, Colorado; and

29

30 WHEREAS, Representative Young graduated from the University
31 of Colorado with a degree in journalism at the age of 19 and went on to
32 work for several newspapers; and

33

34 WHEREAS, Representative Young worked for Teller County
35 Social Services and later for the United States Federal Wage and Hour
36 Division; and

37

38 WHEREAS, Representative Young joined the United States Navy
39 in 1944 and served for 2 years, attaining the rank of petty officer second
40 class; and

41

42 WHEREAS, Representative Young graduated from
43 Westminster-University of Denver Law School in 1949 and practiced law
44 in Denver and Englewood for 40 years; and

45

46 WHEREAS, Representative Young served Arapahoe County in the
47 House of Representatives from 1959-1960; and

48

49 WHEREAS, As a member of the House of Representatives,
50 Representative Young was Chairman of the Arapahoe County Democratic
51 Party and was Director of the Governor's Legislative Apportionment
52 Commission; and

53

54 WHEREAS, After retiring, Representative Young was a volunteer
55 for the Red Cross representing veterans in discharge matters; and

56

1 WHEREAS, Representative Young married Jayne Kuni on June
2 8, 1937, and they were together for more than 59 years until her death;
3 and
4

5 WHEREAS, It is fitting that we, the members of the House of
6 Representatives of the Sixty-fourth General Assembly, pay tribute to the
7 dedicated service of Representative Young and express our deep regret
8 and sorrow occasioned by his death; now, therefore,
9

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

13 That, in the death of William Young, the people of the state of
14 Colorado have lost a dedicated public servant and outstanding citizen,
15 and that we, the members of the House of Representatives of the
16 Sixty-fourth General Assembly, do hereby extend our deep and heartfelt
17 sympathy to the members of his family and pay tribute to a man who
18 served this state and our nation well and faithfully.
19

20 *Be It Further Resolved,* That copies of this Memorial be sent to
21 Representative Young's son, Stephen Young of Greeley and his daughter,
22 Janelle Blake of Denver.
23

24 APPOINTMENTS TO CONFERENCE COMMITTEES

25 Pursuant to a request from the Senate, the Speaker appointed House
26 conferees to the First Conference Committees as follows:
27

28
29 **SB03-258**--Representatives Young, Chairman, Plant, Witwer
30 **SB03-268**--Representatives Young, Chairman, Witwer, Plant
31 **SB03-282**--Representatives Witwer, Chairman, Young, Plant
32 **SB03-284**--Representatives Young, Chairman, Witwer, Plant
33 **SB03-291**--Representatives Young, Chairman, Witwer, Plant
34 **SB03-297**--Representatives Young, Chairman, Witwer, Plant
35 **SB03-300**--Representatives Young, Chairman, Plant, Witwer
36
37
38
39

40 CHANGE IN SPONSORSHIP

41
42 The Speaker announced that Representative Witwer has replaced
43 Representative Tochtrop as House sponsor for **SB03-005**.
44
45
46
47

48 INTRODUCTION OF BILL

49 First Reading

50 The following bill was read by title and referred to the committees
51 indicated:
52

53 **SB03-005** by Senator(s) Owen; also Representative(s) Witwer--
54 Concerning a care management pilot program for the
55
56

1 oversight of medical services provided to specified
 2 recipients of medicaid, and making an appropriation
 3 therefor.
 4 Committee on Health, Environment, Welfare, & Institutions
 5 Committee on Appropriations

6
 7
 8
 9

LAY OVER OF CALENDAR ITEMS

10
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On motion of Representative King, the following items on the Calendar were laid over until April 17, retaining place on Calendar:

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- Consideration of Special Orders--**HB03-1178.**
- Consideration of General Orders--**HB03-1311, 1132, 1247, 1344, 1123, 1317, 1210, 1213, 1280, HCR03-1003, HB03-1105, 1339, 1323, SB03-051, HB03-1316, 1329, 1342.**
- Consideration of Resolutions--**HJR03-1029, 1038, 1040, 1042, SJR03-030, HJR03-1049, SJR03-034, HJR03-1052, 1055, 1057.**
- Consideration of Memorials--**SJM03-001, 002, 004.**
- Consideration of Senate Amendments--**HB03-1001, 1121, 1147.**

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On motion of Representative King, the House adjourned until 9:00 a.m., April 17, 2003.

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Approved:

 LOLA SPRADLEY,
 Speaker

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Attest:

 JUDITH RODRIGUE,
 Chief Clerk