

COLORADO GENERAL ASSEMBLY REQUIRES INSURANCE CARRIERS TO IMPROVE ACCESS TO POLICY DOCUMENTS IN FOREIGN LANGUAGES

During the 2023 legislative session, the Colorado General Assembly passed legislation requiring insurance carriers to provide insurance policy documents in the native language of the policyholder under certain circumstances. This new law addresses concerns that when an insurance carrier markets to consumers in their non-English native language, but then sells those consumers policies written only in English, consumers might not be able to understand the English-language documents outlining the terms of their policies. [HB 23-1004, Language Access in Insurance Documents](#), sponsored by Rep. Elizabeth Velasco (D) and Sen. Julie Gonzales (D), passed on April 3, and Governor Polis signed it into law on April 11. It will take effect on January 1, 2024.

This bill expands the current requirement for a non-English-language policy issued or delivered in Colorado to be translated only from the English-language policy. The law now requires the policy to be translated correctly by a translator who is certified by the American Translators Association, or by a qualified translator who certifies that the policy is correctly translated.

The new law also requires an insurer to offer, make available, and issue the following written or electronic documents to an applicant or insured in the same language that the insurer used in any advertisement (defined as any material designed to create public interest in a product or to induce the public to purchase, increase, modify, reinstate, replace, or retain an insurance policy) in Colorado for the insurance policy (limited to a commercial automobile, personal automobile, homeowners', or renters' policy of insurance):

- The application or interface the applicant uses to apply for, purchase, or receive a quote for a policy;
- Any written coverage forms, including rejections or exclusions; and
- The insurance policy, declarations page, explanations of benefits, and other policy- or coverage-related documents.

If an insurer advertises, offers, makes available, or issues insurance policies in Colorado in a language other than English, it must:

- Offer an applicant for a new or renewal insurance policy a form to select the language of choice for the insurance documents specified above; and
- Provide the offer and the form in every language in which it advertises, offers, makes available, or issues its insurance policies.

For new insurance policies, the insurer must offer the language selection form to the applicant at the time of application. The insurer must offer the form only once for renewal policies after January 1, 2024.

If the applicant for a new or renewal policy returns the form indicating a language selection, the insurer must provide all documents specified above in the language the applicant selects. If, however, the applicant does not return the form within 60 days, the insurer may provide the documents in English.

In the event of a dispute or complaint regarding an insurance policy, any insurance documents specified above, or the advertisement for the insurance policy, the English-language version of the insurance policy or insurance documents controls the resolution of the dispute or complaint.

If an insurer fails to comply with offering the language selection form, any written coverage rejections or exclusions resulting from the insurer's failure to comply are voidable at the policyholder's election. If the policyholder chooses to void the coverage rejection or exclusion, then the insured may recover reasonable attorney fees and court costs, and the insurer shall not require the insured to pay any premium during the applicable policy period for the reinstated or rewritten coverage. If the insured does not reject coverage in future policy periods, the insurer may charge a premium for the coverage in future policy periods. It is important to note that a person does not need to show knowledge of any specific advertisement to obtain these remedies.

For additional information regarding HB 23-1004, please contact [Daniel Furman](#) or [Erin Snow](#).