

**Bulletin No. B-5.40**

**Electronic Delivery of Documents during Coronavirus (COVID-19) and Other Private Passenger Automobile and/or Claims Made Policy Form Filing Guidance**

**I. Background and Purpose**

The novel coronavirus (COVID-19) outbreak and emergency public health measures by state and local leaders have led to widespread business interruptions, unemployment and disruption of daily activities for consumers, including but not limited to self-quarantine and isolation to protect their and the public's health. Due to the unprecedented and extraordinary impact of the COVID-19 emergency, the Colorado Department of Public Health and Environment has issued multiple Public Health Orders including 20-20, 20-22, 20-23 and 20-24 (collectively "Orders"), which have limited otherwise normal business and personal interactions and activities.

**II. Applicability and Scope**

This bulletin is intended to provide guidance to all insurers issuing private passenger automobile and/or claims made policy forms. This bulletin does not change, restrict, or broaden any other mailing requirements contained in Colorado insurance laws or regulations.

**III. Division Position**

Due to the coronavirus (COVID-19) outbreak and emergency public health measures mentioned above, insurers that have not previously offered electronic delivery of documents may choose to adjust their method of document delivery from the mailing of documents to include the electronic delivery of documents as permitted under the provisions of § 10-1-137, C.R.S. This bulletin does not change, restrict, or broaden any of the requirements under § 10-1-137, C.R.S., including that consent from the insured party is required.

Where a form certification filing is required, in accordance with Section § 10-4-633, C.R.S., thirty-one days advanced filing is required before an insurer may use a new policy form. For the purposes of an electronic delivery consent form or similar consent form, the thirty-one day advanced filing is not required. Insurers, where required to submit other form filings, shall continue to do so in accordance with Section § 10-4-633, C.R.S.

Insurers certifying an electronic delivery consent form, or other similar consent form, shall specify in the form filing submission the actual effective date of the use of such form. If insurers previously obtained affirmative consent from their insured for electronic delivery of documents, then insurers shall continue as such.



This bulletin does not change, restrict, or broaden any provisions under § 10-1-137, C.R.S., rather this bulletin relates to the thirty-one day period before use requirement specific to an electronic delivery consent form or similar consent form. This bulletin does not add a form filing requirement if there is presently not a form filing requirement.

With regard to the form certification requirements found in Sections § 10-4-419 and § 10-4-633, C.R.S, if insurers are unable to obtain the wet signature of a company officer or obtain a verified electronic signature of a company officer on a form certification, this should be explained when the form filing is submitted.

This specific guidance with regard to the inability to obtain a wet signature of a company officer or obtain a verified electronic signature of a company officer on a form certification form as is currently required for a form filing, can be allowed on other form filings but again this should be explained in the form filing when the form filing is submitted.

**For More Information or questions about your current coverage, please contact:**

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#### **IV. History**

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