



**Bulletin No. B-6.4**

**Colorado Civil Union Act**

**I. Background and Purpose**

The purpose of this bulletin is to provide guidance to insurers, carriers and insurance producers regarding the implementation of the Colorado Civil Union Act (SB 13-011) (the “Act”), which was enacted by the Colorado General Assembly and signed by the Governor on March 21, 2013.

Bulletins are the Division’s interpretations of existing insurance law or general statements of Division policy. Bulletins themselves establish neither binding norms nor finally determine issues or rights.

**II. Applicability and Scope**

This bulletin is intended for all licensed insurers and carriers in Colorado issuing health, life, property and casualty and title insurance policies.

**III. Division Position**

Senate Bill 13-011 was effective May 1, 2013. However, for the purposes of life, health and other lines of insurance, the legislative effective date is January 1, 2014. This means any policies issued or renewed with an effective date on or after January 1, 2014 must comply with the Act.

1. All insurers and carriers must make appropriate modifications to their policy forms, if needed, to comply with the Act. Additionally, insurers and carriers must make appropriate form filings with the Division of Insurance, whether a form certification or actual form submission. Form certifications must be filed prior to December 1, 2013 to comply with the certification requirements found in §§ 10-4-633 and 10-16-107.2, C.R.S. For example, any policy that defines “named insured”, or “insured” to include a “spouse”, “husband or wife” or “dependent” of the insured must be amended to add the term “partner in a civil union” or “party to a civil union.”
2. All insurers and carriers must make appropriate rate and/or rule filings to include a “partner in a civil union” or “party to a civil union” in any premium adjustments that would be applicable to any other familial or spousal relationships.
3. Where a law or policy language permits action to continue or amend a policy by a spouse or dependent, it shall apply to any partner to a civil union or party to a civil union.
4. With respect to underwriting or claim handling, no insurer or carrier shall impose requirements to prove a civil union that are more stringent than requirements to prove marriage:
  - a. Insurance contracts and policies offered by insurers and carriers to married couples, spouses, and their families shall also be offered to partners in a civil union, or parties to a civil union, and their families.
  - b. Partners in a civil union, or parties to a civil union, shall have the same rights, as a “spouse” would have under a policy.

5. Title insurance entities should be familiar with § 14-15-107 (2), C.R.S. which states, “A party to a civil union is included in any definition or use of the terms “dependent”, “family”, “heir”, “immediate family”, “next of kin”, “spouse”, and any other term that denotes the familial or spousal relationship, as those terms are used throughout the Colorado Revised Statute. Section 14-15-107 (5), C.R.S. includes “Laws relating to title, survivorship, or other incidents of or presumptions with respect to the acquisition, ownership, or transfer, inter vivos or at death, of real or personal property.”

#### **IV. Additional Division Resources**

##### **For More Information**

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#### **V. History**

- Issued Effective July 1, 2013