

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Lundeen

1 Amend printed bill, page 4, after line 26 insert:

2 "(3) "INSURER" MEANS ANY INSURER THAT IS NOW, OR WAS IN THE
3 PAST, AUTHORIZED TO DO INSURANCE BUSINESS IN COLORADO OR IS
4 CONDUCTING, OR HAS IN THE PAST CONDUCTED, INSURANCE BUSINESS IN
5 COLORADO, INCLUDING WITHOUT LIMITATION ANY EXCESS AND
6 NONADMITTED SURPLUS LINES INSURER."

7 Renumber succeeding subsections accordingly.

8 Page 7, line 17, after "Is" insert "OR WAS".

9 Page 11, after line 8 insert:

10 "13-20-1208. Indemnification of actor or organization against
11 public policy. (1) IT IS CONTRARY TO THE PUBLIC POLICY OF THE STATE

12 OF COLORADO FOR AN INSURER TO DEFEND OR INDEMNIFY:

13 (a) AN ACTOR WHO COMMITTED SEXUAL MISCONDUCT AGAINST OR
14 FOR ANY CLAIM ALLEGING LIABILITY FOR INJURIES ARISING FROM SEXUAL
15 MISCONDUCT PURSUANT TO THIS PART 12; OR

16 (b) ANY MANAGING ORGANIZATION OR ITS EMPLOYEE, AGENT, OR
17 VOLUNTEER, OR ANY PUBLIC ENTITY OR PUBLIC EMPLOYEE, AGAINST OR
18 FOR ANY CLAIM ALLEGING LIABILITY FOR INJURIES ARISING FROM SEXUAL
19 MISCONDUCT WHERE BUT FOR APPLICATION OF THIS PART 12, IN AN ACTION
20 FOR DAMAGES ARISING OUT OF FACTS THAT, IF ALLEGED UNDER A
21 COMMON LAW CAUSE OF ACTION, WOULD BE TIME BARRED.

22 (2) A PROVISION ACTUALLY OR ALLEGEDLY IN AN INSURANCE
23 POLICY THAT REQUIRES AN INSURER TO PROVIDE A DEFENSE TO, OR TO
24 INDEMNIFY, ANY CLAIM DESCRIBED IN SUBSECTION (1) OF THIS SECTION IS
25 VOID AS AGAINST PUBLIC POLICY AND UNENFORCEABLE."

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