



# COLORADO

## Governor Jared Polis

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### Restaurant workers can now deliver food with less red tape and insurance delays

*Actions aimed at growing safe opportunities for restaurant workers,  
protecting employers' health insurance and property and casualty insurance*

**\*\*\*INFORMACIÓN SEGUIDA EN ESPAÑOL\*\*\***

**DENVER** - The Colorado Division of Insurance (DOI), part of the Department of Regulatory Agencies (DORA), is taking action to protect Colorado insurance consumers and reduce insurance delays for restaurants and workers during the COVID-19 public health emergency.

Earlier this month, in response to the COVID-19 emergency, the Colorado Department of Public Health and Environment (CDPHE) issued a number of Public Health Orders that have limited normal business and employment for many in the state. These directives from the DOI will allow people to keep their insurance and should also help Colorado's restaurants and their employees.

"The more we can free up the market and allow people to safely earn a living during this critical time, the better," said Gov. Jared Polis. "I'm hopeful that some of those who lost their jobs when restaurants closed can now earn additional money working delivery while as a state we get past these difficult restrictions as soon as is scientifically possible."

"Expanding safe opportunities for work is critical," said Colorado Insurance Commissioner Michael Conway. "As people lose hours, get laid off or lose their jobs, holding onto their employer-sponsored health insurance and paying their auto or homeowners insurance premiums becomes more difficult. In addition to reducing red tape around insuring drivers, we are also calling on insurance companies to show flexibility and work with Coloradans to help them keep their insurance during the COVID-19 crisis."

Removing Restrictions on Auto Insurance for Drivers for Restaurant Delivery  
[Public Health Order 20-22](#) has closed all restaurants and other places offering food or beverages to be consumed on-site. And even with the [Governor's stay-at-home order](#) from March 25, delivery and takeout from restaurants is not impacted. With these orders, it is expected that many restaurants will now look to employees who do not typically deliver food to do just that, but using their own cars. In an effort to protect these workers and their vehicles, the [DOI's emergency regulation 20-E-03](#) removes restrictions on two different types of auto insurance for the duration of Public Health Order 20-22.

- For restaurants that already have commercial automobile policies for drivers, the regulation allows those policies to cover new, unnamed drivers that will be put into delivery service during the COVID-19 emergency.

- If a restaurant does not have a commercial policy, the regulation allows employees to use their own personal auto insurance for their vehicle. The regulation removes the restriction for the restaurant employee's personal insurance that would usually prevent commercial activity like food delivery.
- However, the regulation does not apply to workers who regularly deliver food or who work for other services not impacted by the restaurant closure that was part of Public Health Order 20-22.

Restaurant owners are encouraged to contact their insurance agents, brokers or companies to discuss additional coverage riders and other options that could offer more protection for their workers and their businesses. Such options could prove useful even after the COVID-19 emergency.

### **Flexibility and Accommodations on Premiums and Continuing Insurance Coverage**

The Division has also issued two bulletins directing insurance companies working in Colorado to provide flexibility and reasonable accommodations to policyholders in paying their premiums and continuing coverage.

#### *Employer-Provided Health Insurance*

[Bulletin B-4.105](#) directs health insurance companies that provide policies to small and large employers to be flexible in working with those employers regarding premium payments. It also directs insurers to work with the employers around any provisions in those policies that could hurt the eligibility of employees for the health insurance or their ability to continue that coverage if laid off, furloughed or have their hours cut as a result of work restrictions related to COVID-19.

Health insurance companies are directed to give employers options such as extending grace periods, deferring premium payments, accepting partial payments or placing a moratorium on cancelling coverage due to non-payment. Such options will allow coverage to continue for the employees and their families and allow employers to focus on their businesses.

In addition, the insurance companies are directed to make accommodations for employers regarding provisions and restrictions that could impact employees' health insurance coverage or the ability to continue coverage. These would be provisions such as: requirements regarding the number of employees participating in an employer's plan, eligibility requirements tied to the number of hours worked (including part-time or seasonal restrictions), requirements regarding employer contributions to premiums, and restrictions on employees that may have initially declined an employer's health insurance.

On top of this, the Insurance Commissioner strongly encourages the insurance companies to waive requirements that employees would have to be enrolled in an employer's health plan for a required length of time before becoming eligible for continuation, or that continuation would only apply to certain classes of employees, such as full-time employees.

Insurance companies are to make these accommodations available to employers for as long the Public Health Orders are in effect.

[Bulletin B-4.105](#) only pertains to health insurance companies' employer policies that fall under the regulation of the Colorado Division of Insurance. Employers with self-funded health plans

are not regulated by the Division, as such plans are regulated at the Federal level. However, self-funded employers are required to comply with federal Consolidated Omnibus Budget Reconciliation Action (COBRA) requirements around continued group health coverage. The Division strongly encourages employers that have self-funded health plans to request that the third-party administrators of their health plans comply with state and federal guidance, including the Division's directives.

#### *Property and Casualty Insurance*

[Bulletin B-5.38](#) directs property and casualty insurance companies (such as auto or homeowners insurance) to make reasonable accommodations to prevent individuals and businesses from losing their insurance coverage because of non-payment of their premiums.

Reasonable accommodations may include such things as: suspension of premiums, extension of billing due dates, extension of premium grace periods for the duration of the emergency, and waiver of installment and late payment fees. In addition, the Division directs property and casualty insurers to stop any non-renewals (when an insurance company chooses to not renew a policy at the end of a period). Such accommodations are to remain available to Colorado policyholders as long the Public Health Orders are in effect.

**“In times like these, we all have to step up and come together as a community and a country,”** said Commissioner Conway. **“We are certainly asking our insurance companies to do that and I’m confident they will answer our call.”**

Consumers with questions about these directives and how they impact their policies can contact the Division of Insurance - [303-894-7490](tel:303-894-7490) / [800-930-3745](tel:800-930-3745) / [DORA\\_Insurance@state.co.us](mailto:DORA_Insurance@state.co.us).

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