

Bulletin No. B-1.35

Notice of Alternate Electronic Service of Process During the COVID-19 Emergency

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.

The purpose of this bulletin is to provide a temporary operating procedure for accepting alternate Service of Process (SOP) during the COVID-19 emergency while the Division of Insurance is operating remotely and/or its offices are physically closed.

II. Applicability and Scope

This bulletin is intended to provide guidance to all entities seeking to serve documents to the Commissioner of Insurance or those entities for which the Commissioner is the registered agent.

III. Division Position

Due to the COVID-19 emergency, the Division has established new operating procedures for accepting alternate SOP that will be in effect for the duration of the COVID-19 emergency. At the present time, the Division is unable to receive hard copy submissions of service of process.

Under these new procedures, Service of Process will be received:

1. Electronically with a request for waiver of personal service -- Persons seeking to serve the Division of Insurance may send a request for waiver of personal service to the DORA email DORA_COVID_Inquiries@state.co.us. The email must include all of the documents needed to be served and a substantially completed waiver form for acceptance of the service. For the form of the waiver of service to be filed, see Appendix A.

The Division will verify that the Division is the registered agent for the company:



- (A) If the Division is the registered agent for the company, the Division will execute the waiver of service and return it to the party requesting the waiver, with a copy to the insurance company. The Division will send the documents to the insurance company with the waiver electronically.
 - (B) If the Division is not the registered agent of the company, the Division will electronically return the documents to the requester with an email describing the reasons for the rejection and will not execute the waiver nor send the documents to the insurance company.
2. By Delivery to the Colorado Attorney General's Office -- Service may be made by delivery to the Colorado Attorney General's Office at the Colorado Department of Law's Office at the Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver, Colorado, 80203. The appropriate Attorney General representative will forward a scanned copy of the service of process to the Division of Insurance.

The Division will verify that the DOI is the registered agent for the company:

- (A) If the Division is the registered agent of the company, the Division will execute the waiver of service and return it to the party requesting the waiver, with a copy to the insurance company. The Division will send the documents to the insurance company with the waiver electronically.
 - (B) If the Division is not the registered agent of the company, the Division will electronically return the documents to the requester with an email describing the reasons for the rejection and will not send the documents to the insurance company.
3. By emailing the documents to DOI or by serving the documents upon the Colorado Attorney General's Office, the proponent of the service, agrees to waive the requirements set forth in section 10-3-107, C.R.S., regarding the manner in which the DOI will transmit the documents to the named insurance company for which the commissioner is the agent of record.
4. All service of process and waiver of service requests must include a return email address.

For More Information or questions about this Bulletin, please contact:

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IV. History

Issued April 8, 2020

APPENDIX A:

District Court _____ County, Colorado Court Address: _____ Petitioner: _____ Respondent: _____	▲ COURT USE ONLY ▲ Case Number: _____ Division Courtroom
WAIVER AND ACCEPTANCE OF SERVICE	

I declare under oath that, pursuant to § 10-3-107, C.R.S., the Division of Insurance is the Statutory Registered Agent for [COMPANY NAME] in this case, I have authority to, and have received and accepted service of the [NAME OF DOCUMENT]. This waiver of service shall not be construed as an admission of the truth of the allegations in the documents described above.

VERIFICATION AND ACKNOWLEDGEMENT

I swear/affirm under oath that the statements set forth above are true and correct to the best of my knowledge.

[NAME] _____

[SIGNATURE] _____

[Title] _____

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