

304.14-435 English language requirement for forms, policy, and claim-related information -- Requirements for non-English version -- Use and effect of translations.

- (1) All policy forms filed with the department, and any other insurance policy or claim-related information, shall be written in the English language.
- (2) An insurer may provide applicants and insureds with a policy, application, or claim-related information in a language other than English if the conditions of subsection (3) of this section have been satisfied.
- (3) The non-English version of the policy, application, or claim-related information shall:
 - (a) Be a certified translation of a policy, application, or claim-related information that has been filed with and approved by the department;
 - (b) Be accompanied by a certification written in English that the non-English version is a complete and accurate translation of the English form filed;
 - (c) Be in the same format as the English version;
 - (d) Contain a disclosure, both in the non-English language and in English, that is attached to the front of the policy, application, or claim-related information, including a statement indicating that:
 1. The policy, application, or claim-related information is a translation that has not been approved by the department; and
 2. The English version of the policy, application, or claim-related information shall control in any disputes, complaints, or litigation; and
 - (e) Identify the English form number that corresponds to the non-English version.
- (4) If an insurer offers a non-English policy, application, or claim-related information in accordance with subsections (2) and (3) of this section, the insurer shall file the translator certification and disclosure required by paragraph (d) of subsection (3) with the department as an information filing.
- (5) This section shall not prohibit an insurer from advertising or providing information related to the policy or claims with translations to consumers in a language other than English.
- (6) If there is a dispute between the English version and the non-English version, the English version shall control and the non-English version shall carry a disclaimer in the non-English language to this effect. The insurance policy is controlling and any advertisements or informational materials used by an insurer shall not be construed to modify or change the insurance policy.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1157, effective July 15, 2010; and ch. 166, sec. 3, effective July 15, 2010. -- Amended 2002 Ky. Acts ch. 304, sec. 10, effective July 15, 2002. -- Created 1998 Ky. Acts ch. 483, sec. 34, effective July 15, 1998.

Legislative Research Commission Note (7/15/2010). References to the "office" of insurance in subsections (3) and (4) of this section, as amended by 2010 Ky. Acts ch. 166, sec. 3, have been changed in codification to the "department" of insurance to

reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. These changes were made by the Reviser of Statutes pursuant to 2010 Ky. Acts ch. 24, sec. 1938.

Legislative Research Commission Note (7/15/2010). This section was amended by 2010 Ky. Acts chs. 24 and 166. Where these Acts are not in conflict, they have been codified together. Where a conflict exists, Acts ch. 166, which was last enacted by the General Assembly, prevails under KRS 446.250.