



**Owner-Operator Independent Drivers Association, Inc.**

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November 1, 2019

The Honorable Michael Conway  
Commissioner  
Colorado Division of Insurance

Dear Commissioner Conway:

Please accept this letter as informal comments from the Owner-Operator Independent Drivers Association (OOIDA) regarding proposed regulation 5-1-20.

OOIDA is the largest trade association representing the views of small-business truckers and professional drivers. We have more than 160,000 members nationwide, including 2,289 who reside in Colorado. An overwhelming majority of our members are independent contractors, many of which benefit from occupational accident (Occ-Acc) coverage.

While we appreciate that the Division of Insurance (DOI) has proposed a medical expense limit for Occ-Acc policies, DOI is also aware that the proposed \$5,000,000 limit isn't available in the marketplace. There is also no realistic expectation such a limit would ever be available, and even if it was, the cost would likely be too high for those seeking such coverage.

However, in proposing an actual limit, DOI seems to have acknowledged that it has authority to set a limit – meaning, “similar” coverage to Workers’ Compensation as required by law doesn’t require an unlimited Occ-Acc medical benefit. Accordingly, we would argue DOI has authority to set a limit more consistent with what is currently available in the marketplace.

To the best of our knowledge, 48 other states allow medical expense limits ranging from \$500,000 to \$2,000,000 in Occ-Acc policies. Based on the data we have, \$1,000,000 in coverage is the most popular option. While we don’t expect DOI to accommodate (or even agree with) some of these lower limits, the agency’s existing proposal is unrealistic because it merely authorizes something that doesn’t actually exist.

At the risk of being redundant, we would encourage DOI to reconsider the proposed medical benefit limit. As a compromise, and in the interest of those who truly need Occ-Acc coverage, we would suggest nothing higher than a \$2,000,000 limit.

We appreciate your attention to this matter and consideration of our request. Please contact me directly at (816) 229-5791 ext. 1603 or [mike\\_matousek@ooida.com](mailto:mike_matousek@ooida.com) should you have any questions or require additional information.

Respectfully,

A handwritten signature in black ink, appearing to read "Mike Matousek". The signature is fluid and cursive, with the first name "Mike" and last name "Matousek" clearly distinguishable.

Mike Matousek  
Manager of Government Affairs  
OOIDA