

**PROGRAM DIVISION
BULLETIN**

2007-07

February 26, 2007

**Violation of Statutes
Mandatory Endorsements**

VIOLATION OF STATUTES IN CONNECTION WITH EMAILS AND FAXES

EFFECTIVE IMMEDIATELY ON ALL NEW BUSINESS AND STARTING WITH
RENEWALS EFFECTIVE MAY 1st 2007:

Attach the following AIG endorsements to all (admitted and non-admitted) policies that provide Commercial General Liability and Commercial Umbrella/Excess coverage:

Commercial General Liability Policies Attach

**EXCLUSION – VIOLATION OF STATUTES IN CONNECTION WITH SENDING,
TRANSMITTING OR COMMUNICATING ANY MATERIAL OR INFORMATION**, form
number **87295 (1/05)**

Commercial Umbrella/Excess Policies Attach

**VIOLATION OF COMMUNICATION OR INFORMATION LAW EXCLUSION
ENDORSEMENT** form number **87241 (12/04)**

It is a violation of several local, state or federal laws or statutes to send or distribute unsolicited faxes or emails. Examples of current laws are:

Telephone Consumer Protection Act (TCPA) – in summary, prohibits the sending of faxes, or telephone solicitation, without prior approval.

CAN-SPAM Act of 2003 – in summary, prohibits the transmitting of multiple email messages using a protected computer to hide identity, and/or falsify the header or topic line.

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PROGRAM DIVISION

100 Summer Street/19th Floor, Boston, MA 02110
phone 617-330-1100 / fax 617-330-8595

Numerous local and state courts within the United States have ruled that coverage exists for property damage and advertising injury claims presented under a Commercial General Liability Policy even though the *damages* arose out of unsolicited faxes that violated federal law.

All policy issuance systems should be programmed to automatically attach **EXCLUSION – VIOLATION OF STATUTES IN CONNECTION WITH SENDING, TRANSMITTING OR COMMUNICATION ANY MATERIAL OR INFORMATION**, form **87295 (1/05)** to Commercial General Liability and **VIOLATION OF COMMUNICATION OR INFORMATION LAW EXCLUSION ENDORSEMENT** form number **87241 (12/04)** to Umbrella/Excess Policies written on or after May 1, 2007. The form may be used immediately on non-admitted, new business quotes. **Conditional Renewal Notices** should inform insureds of a potential reduction in coverage.

If you have any questions please contact your Program Manager.

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100 Summer Street/19th Floor, Boston, MA 02110
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Endorsement _____

This endorsement effective 12:01 a.m.:

Forms a part of Policy No.:

Issued to:

By:

Commercial Umbrella Liability Policy

Violation of Communication or Information Law Exclusion Endorsement

This policy is amended as follows:

Violation of Communication or Information Law

This insurance does not apply to any liability arising out of any act that violates any statute, ordinance or regulation of any federal, state or local government, including any amendment of or addition to such laws, that prohibits or limits the sending, transmitting or communicating of material or information.

It is understood that to the extent any coverage may otherwise be available under this policy or any of its endorsements, the provisions of this exclusion will supercede.

All other terms, definitions, conditions, and exclusions of this policy remain unchanged.

Authorized Representative or
Countersignature (where applicable)

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement, effective 12:01 A. M. forms part of Policy

No. issued to by

**EXCLUSION - VIOLATION OF STATUTES IN CONNECTION WITH
SENDING, TRANSMITTING OR COMMUNICATING ANY
MATERIAL OR INFORMATION**

This insurance does not apply to any loss, injury, damage, claim, suit, cost or expense arising out of or resulting from, caused directly or indirectly, in whole or in part by, any act that violates any statute, ordinance or regulation of any federal, state or local government, including any amendment of or addition to such laws, that includes, addresses or applies to the sending, transmitting or communicating of any material or information, by any means whatsoever.

To the extent any coverage may otherwise be available under this Policy , the provisions of this Exclusion shall supercede the same and exclude such coverage.

All other terms and conditions of the policy are the same.

Countersignature, if required by law