

## LOSS COSTS/RULES/FORMS – LEGISLATIVE MONITORING

MARCH 29, 2019

COMMERCIAL LINES	LI-CL-2019-010
PERSONAL LIABILITY (INCL. PERSONAL UMBRELLA)	LI-DL-2019-007
DWELLING PROPERTY	LI-DP-2019-026
PERSONAL FLOOD	LI-FD-2019-010
HOMEOWNERS	LI-HO-2019-042
MOTORCYCLE	LI-MT-2019-018
PERSONAL AUTO	LI-PA-2019-074
PERSONAL INLAND MARINE	LI-PM-2019-015
WATERCRAFT	LI-WT-2019-007

## SUMMARY OF LAWS, REGULATIONS AND COURT DECISIONS

### KEY MESSAGE

This circular provides updated summaries of Commercial Lines, Personal Auto and Personal Property and Specialty Program laws, regulations and court decisions under review as of February 28, 2019.

### BACKGROUND

In this circular [LI-CL-2019-006/LI-DL-2019-006/LI-DP-2019-020/LI-FD-2019-008/LI-HO-2019-031/LI-MT-2019-015/LI-PA-2019-052/LI-PM-2019-013/LI-WT-2019-006](#), we furnished a summary of:

- Laws and regulations reviewed during 2019 which impact ISO forms, loss costs and/or rules, and/or company procedures;
- Court cases reviewed during 2019 which impact ISO forms, loss costs and/or rules; and
- All outstanding items.

### ISO ACTION

We have consolidated the summaries previously provided under separate cover letters and updated them to include any changes and/or additional information as of February 28, 2019.

The information contained in the attached summaries is categorized by state. Explanations of abbreviations and meanings are contained on the first page of each summary.

Company procedural requirements have been separated into seven broad categories for information. Companies must determine how specific requirements affect their current procedures.

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## ISONET LEGISLATIVE MONITORING PRODUCT

The information summarized in your monthly Legislative Monitoring circular is also available in a searchable database via ISONet.

ISONet Legislative Monitoring provides you access to a database containing information on all laws, regulations and court cases reviewed by ISO staff since January 1995. This database includes laws, regulations and court cases reviewed which potentially impact ISO forms, loss costs and/or rules, policywriting support forms, and/or company procedures, for all lines of business serviced by ISO.

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## FUTURE ISO ACTION

We will update these summaries monthly.

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## REFERENCE(S)

[LI-CL-2019-006/LI-DL-2019-006/LI-DP-2019-020/LI-FD-2019-008/LI-HO-2019-031/LI-MT-2019-015/LI-PA-2019-052/LI-PM-2019-013/LI-WT-2019-006](#) (03/07/2019) Last Monthly Summary Update

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## ATTACHMENT(S)

- Commercial Lines Summary
- Personal Auto Summary
- Personal Property and Specialty Program Summary

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## CONTACT INFORMATION

If you have any questions concerning:

- The content of this circular, please direct your inquiry as follows:
  - ◆ Auto-related questions: [auto@verisk.com](mailto:auto@verisk.com)
  - ◆ Liability-related questions: [liability@verisk.com](mailto:liability@verisk.com)
  - ◆ Property-related questions: [property@verisk.com](mailto:property@verisk.com)
- Other issues for this circular, please contact Customer Support:  
E-mail: [info@verisk.com](mailto:info@verisk.com)  
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We provide participating insurers with information concerning the jurisdictions for which our products and services are distributed. Even in those jurisdictions, each insurer must determine what filing requirements, if any, apply and whether those requirements have been satisfied.

Now, as in the past, all of our products and services are advisory, and are made available for optional use by participating insurers as a matter of individual choice. Your company must decide for itself which, if any, ISO products or services are needed or useful to its operation and how those selected for use should be applied. We urge that you be guided by the advice of your attorneys on the legal requirements.

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## Commercial Lines Circular Summary

Line ID	Status	Type
ALL = All Commercial Lines	APPVD = Approved	FORM = Policy Forms
AUTO = Automobile only	DISAPV = Disapproved	LOSS COSTS = Loss Costs
CAS = Casualty only	DONE = ISO Activity Completed	NON-ISO = Procedural Item
COMB = Combination (see comments)	NO IMP = No Impact	RATE = Rates
OTHR = Other (see comments)	PEND = Filed and Pending	RULE = Rules
PROP = Property only	PREP = Filing/Policywriting Support Form in Preparation	SUPPORT = Policywriting Support Forms
	REVIEW = Under Review	
	W/DRAWN = Withdrawn	

### Major Categories of Policywriting Support Forms:

APPS = Applications
CERTS = Certificates of Insurance
CLAIMS = Claim Forms, First Report of Injury and Loss Notices
DISCL = Disclosure Forms
FRAUD = Fraud Warnings
OTHER = Other
PHN = Policyholder Notices
SELECT = Selection/Rejection/Waivers for UM/UIM, PIP
TERM = Cancellation/Nonrenewal/Changes in Policy Premium and /or Scope of Coverage Notices and Lost Policy Releases

### Major Categories of Company Procedural Requirements:

CLAIMS = Claims Handling and Reporting (Examples: reports to insureds; reports to third parties)
DISCNT = Discounts, such as “Safety” discounts
FINAN = Billing/Premium Finance
OTHER = Other
TERM = Policy Termination/Cancellation/Renewal/Nonrenewal (Examples: records maintenance; premium computation following late notice of nonrenewal)
UNWTG = Underwriting (Examples: permissible underwriting criteria; privacy/nondisclosure requirements)

An asterisk (\*) is printed in the far-left column for all **new** items. A pound sign (#) is printed in the far-left column for all items that have been updated since the last release of the circular. In addition, we have underlined the specific portion of the item that has been revised for easy identification of all changes.

**CAUTION:** This summary contains certain laws, regulations and court cases reviewed by ISO. It is intended to assist you in your advanced planning but should NOT be used as a substitute for your independent review of all laws, regulations or court decisions to determine those requirements which affect your operations. ISO makes no warranties, expressed or implied, that this is an exhaustive, all-encompassing summary of all laws, regulations, or court decisions that may have an impact on your operation.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
CA	2017 Cal. Stat. ____ (Former S.B. 19), which becomes effective July 1, 2018, in part, renames "household goods carrier" as "household mover" under new Chapter 3.1, titled "Household Movers Act", as added to Division 8 of the California Business and Professions Code. The Household Movers Act includes Article 3. Accident Liability Protection providing, in part, the minimum liability insurance requirements for a "household mover".	AUTO	07/01/2018	Review	Rule	<a href="#">LI-CA-2017-300</a> 10/19/2017	Bill Coulton 2214		Other	Under Review.
CA	2018 Cal. Stat. 616 (former S.B. 824) and 618 (former S.B. 894) amend CAL. INS. CODE § 675.1, to generally: - Provide that in case of a total loss to the primary structure, under certain circumstances, the insurer shall offer for at least the next two annual renewal periods, but not less than 24 months of coverage from the date of the loss, to renew the policy; and - Prohibit under certain circumstances cancelling or non-renewing policies located in any Zip Code within or adjacent to the fire perimeter, solely based on the structure being located in an area where a wildfire has occurred, for one year after the declaration of a state of emergency.	PROP	01/01/2019	Prep	Form	<a href="#">LI-CL-2018-034</a> 10/03/2018	Amanda Swiger 4326		Term	Filing under preparation.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
CA	2018 Cal. Stat. 639 (former A.B. 2594) amends CAL. INS. CODE § 2071 to provide that if the loss is related to a state of emergency, as defined in subdivision (b) of Section 8558 of the Government Code, the time limit to bring suit is extended to 24 months after inception of the loss. Based on our initial review, we are evaluating revising the Suit Against Us and Legal Action Against Us provisions contained within the applicable Personal Property and Commercial forms.	COMB	09/21/2018	Review	Form Rule	<a href="#">LI-CL-2018-037</a> 10/12/2018	Gabriela Medina 2638			Under Review.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
CA	<p>2018 Cal. Stat. 618 (former S.B. 894), 627 (former A.B. 1772), and 628 (former A.B. 1800) amends CAL. INS. CODE § 2051.5, to generally provide:</p> <ul style="list-style-type: none"> <li>- That the minimum time limit for an insured to collect the full replacement cost of a loss related to a state of emergency is extended from 24 months to 36 months;</li> <li>- That an insurer shall provide one or more additional extensions of six months for good cause if an insured, acting in good faith and with due diligence, encounters a delay or delays in approvals or reconstruction of a home;</li> <li>- That in the event of a total loss to an insured structure, an insurer may not limit or deny payment of the building code upgrade cost or replacement cost including replacement cost coverage, under certain circumstances, on the basis the insured decides to rebuild, or purchase an already built home, at a new location. However, the measure of indemnity shall not exceed the replacement cost, including the building code upgrade cost and any extended replacement cost coverage, if applicable, to repair, rebuild or replace the insured structure at its original location; and</li> <li>- In case of a covered loss relating to a state of emergency, an extension for Additional Living Expenses for up to 12 additional months, for a total of 36 months, if an insured encounter delays in the reconstruction process that are the result of circumstances beyond the control of the insured.</li> </ul>	PROP	01/01/2019	Prep	Form	<a href="#">LI-CL-2018-034</a> 10/03/2018	Amanda Swiger 4326		Term	Filing under preparation.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
CA	2018 Cal. Stat. 618 (former S.B. 894) adds CAL. INS. CODE § 10103.7, to generally allow an insured that has suffered a loss relating to a state of emergency to combine the payments for claims losses up to the policy limits for primary dwelling and other structures, and to use the combined amount.	PROP	01/01/2019	Prep	Form	<a href="#">LI-CL-2018-034</a> 10/03/2018	Amanda Swiger 4326		Term	Filing under preparation.
CO	In Tubbs v. Farmers Ins. Exch., No. 14CA0782, 2015 Colo. App. LEXIS 763 (Colo. Ct. App. May 21, 2015), the Colorado Court Of Appeals stated, in part, "Generally, the states that have found exhaustion clauses in insurance contracts to be enforceable have done so because the statute specifically allowed or required UIM [Underinsured motorists] coverage to be conditioned on exhaustion of the liable party's liability limit... Colorado's UIM statute contains no such allowance or requirement."	AUTO		Review	Form		Jennifer Zilkha 2684		Other	No changes at this time. ISO plans to continue to monitor for subsequent developments and further evaluate for future action.
DC	Effective January 16, 2019, the Council of DC enacted the "Short-Term Rental Regulations Act of 2018" (2017 DC BN 00092) which includes in part under Sec. 102. Restrictions on short-term rentals, (b) that "A host providing a short-term rental shall have current liability insurance of at least \$500,000, which may be provided by the booking service. The Mayor may adjust the minimum dollar amount of this insurance requirement by rulemaking."	COMB	01/25/2019	No Imp			Raymond Bekeris			No impact on ISO's program.



## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
FL	<p>2018 Fla. Laws. Ch. ____ (former H.B. 465), in part, amends FLA. STAT. ANN. § 627.728 (5) (2018) to expand the methods for mailing cancellation and nonrenewal notices to the first-named insured to include other mailing using the Intelligent Mail barcode or other similar tracking method used or approved by the United States Postal Service.</p> <p>In addition, FLA. STAT. ANN. § 627.7015 (1) (2018) is amended to provide under the nonadversarial alternative dispute resolution procedure that, in addition to the insurer and the policyholder, a third-party, as an assignee of the policy benefits, may also request mediation of a claims dispute. However, an insurer is not required to participate in any mediation requested by this third-party assignee.</p> <p>Based on our initial review of 2018 Fla. Laws. Ch. ____ (former H.B. 465), we anticipate revising several commercial and personal lines endorsements.</p>	AUTO OTHR PROP	03/30/2018	Pend	Form	<a href="#">LI-OP-2018-003</a> 07/18/2018 <a href="#">LI-FR-2018-018</a> 07/18/2018 <a href="#">LI-CF-2018-080</a> 07/18/2018 <a href="#">LI-BP-2018-059</a> 07/18/2018 <a href="#">LI-AG-2018-003</a> 07/18/2018 <a href="#">LI-OP-2018-002</a> 05/30/2018 <a href="#">LI-FR-2018-012</a> 05/30/2018 <a href="#">LI-CF-2018-070</a> 05/30/2018 <a href="#">LI-BP-2018-043</a> 05/30/2018 <a href="#">LI-AG-2018-002</a> 05/30/2018 <a href="#">LI-OP-2018-001</a> 04/16/2018 <a href="#">LI-FR-2018-008</a> 04/16/2018 <a href="#">LI-CF-2018-052</a> 04/16/2018 <a href="#">LI-BP-2018-029</a> 04/16/2018 <a href="#">LI-AG-2018-001</a> 04/16/2018	Larisa Wirth-Granlund 2711		Unwtg	Filing submitted.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
GA	<p>2018 Ga. Laws ____ (former H.B. 760), which becomes effective July 1, 2018, amends GA. CODE. ANN § 33-24-47 to provide, in part:</p> <ul style="list-style-type: none"> <li>- "(b) A notice of termination, including a notice of cancellation or nonrenewal, by the insurer, OR a notice of an increase in premiums, other than an increase in premiums due to a change in risk or exposure, including a change in experience modification or resulting from an audit of auditable coverages, which exceeds 15 percent of the current policy's premium, [or a notice of change in any policy provision which limits or restricts coverage]..." (language in brackets removed); and</li> <li>- New section, "(g) An insurer shall provide a written notice of a reduction in coverage to the named insured no less than 45 days prior to the effective date of the proposed reduction in coverage; provided that such notice shall be printed in all capital letters in a separate document entitled 'NOTICE OF REDUCTION IN COVERAGE.'..."</li> </ul>	ALL	07/01/2018	Review	Form	<a href="#">LI-CL-2018-014</a> 05/18/2018	Bill Coulton 2214			Under Review.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
GA	2018 Ga. Laws ____ (former H.B. 878), which becomes effective July 1, 2018, amends GA. CODE ANN. § 33-24-44.1 to provide, in part, "(a) An insured may request cancellation of an existing insurance policy by [...] making a request for cancellation of an insurance policy to the insurer or its duly authorized agent orally, electronically, or in writing[...]. In the event of oral cancellation the insurer, shall, within 10 days provide such insured, electronically or in writing, confirmation of such requested cancellation. The insurer or its duly authorized agent may require that the insured provide written, electronic, or other recorded verification of the request for cancellation prior to such cancellation taking effect."	ALL	07/01/2018	Pend	Form	<a href="#">LI-CL-2018-022</a> 07/06/2018 <a href="#">LI-CL-2018-015</a> 05/22/2018	Jennifer Zilkha 2684		Term	Filing submitted to the Insurance Department on 06/25/2018.
IL	Bulletin 2018-12, dated December 4, 2018, advises that Christian county has been declared a state disaster area after significant storms impacted the county. It also directs all entities licensed or authorized to transact insurance business in Illinois to implement safeguards for all lines of business due to the storms. Including, in part, a moratorium on cancellation and nonrenewal, extensions of any and all policy provisions or other requirements that impose a time limit for an insured or claimant to perform an act and extensions on the time period to complete repairs.	ALL	12/04/2018	No Imp			Nathaniel Brown 2796			No impact on ISO's program.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
KS	2018 K.S. HB 2571, effective 07/01/2018, repealed and replaced the prior Kansas Arbitration Act. Current K.S.A. §5-428(a), in contrast with the arbitration law previously applicable in this state, does not exclude application to "contracts of insurance", where it states in part: "An agreement contained in a record to submit to arbitration any existing or subsequent controversy arising between the parties is valid, enforceable and irrevocable, except upon a ground that exists at law or in equity for the revocation of a contract." In response to K.S. HB 2571, we intend to submit filings for various Commercial and Personal lines of business, which will generally replace Kansas exceptions for arbitration and appraisal provisions with multistate versions.	ALL	07/01/2018	Appvd	Form Rule	<a href="#">LI-CL-2019-002</a> 01/14/2019 <a href="#">LI-CL-2019-001</a> 01/14/2019 <a href="#">LI-CL-2018-039</a> 10/29/2018 <a href="#">LI-CL-2018-038</a> 10/29/2018	Timothy McDonnell 3877			Implemented to become effective 06/01/2019. Commercial Lines filing submitted - Circular <a href="#">LI-CL-2018-038</a> . Personal Property and Specialty Program filings submitted - circulars <a href="#">LI-DP-2018-079</a> , et al and <a href="#">LI-MT-2018-094/LI-WT-2018-018</a> . Personal auto filing submitted - circular <a href="#">LI-PA-2018-247</a> .
MA	2018 Mass. Acts 337 (former H.B. 4841) Section 9 provides, in part, that an operator shall maintain liability insurance of not less than \$1,000,000 to cover each short term rental and Insurers that write homeowners and renters insurance may exclude any and all coverage afforded under the policy issued to a homeowners or lessee for any claim resulting from the rental of any accommodation under chapter 64G.	CAS	01/01/2019	No Imp			Nathaniel Brown 2796			No impact on ISO's program.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
#MD	The Maryland Insurance Commissioner has amended Regulations .04 and .05 under Md. Code Regs. 31.08.15. Underwriting Period to: 1. Make Section 31.08.15 applicable to all personal lines, commercial property, and commercial liability. However, this section does not apply to renewal business. 2. Revise Regulation .04. Discovery of Material Risk Factor During Underwriting Period to clarify the types of explanations required on notices to policyholders when business is issued with an increase or decrease in premiums. This subsection is also amended to remove reference to certificate of mailing and to provide that required notices may be sent via a first-class mail tracking method. 3. Revise Regulation .05. Notice of Recalculated Premium Form to provide explanations required on notices to insureds if there is discovery of material risk factor during the initial 45-day underwriting period. This notice may now be mailed via a first-class mail tracking method.	AUTO CAS PROP	01/14/2019	<u>Done</u>	Form		Gregory Nduthu 2698		Unwtg	Approved to become effective 01/14/2019.
MD	Maryland Bulletin 12-07, dated April 27, 2012, notifies carriers of the passage of 2012 Md. Laws ch. 120 (former H.B. 301), effective January 1, 2013, and states that former H.B. 301 “amends the fraud disclosure statement that is required to appear on every insurance application (except reinsurance applications) used in Maryland.”	COMB	01/01/2013	Pend	Form	<a href="#">LI-CL-2012-025</a> 06/21/2012	Lori Kennedy 2813		Other	Filing was returned by the Maryland Insurance Administration on 08/14/2012, and resubmitted on a monoline (i.e., EP, PF and MP) basis on 08/22/2012.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
MD	In Jackson v. The Dackman Co., 30 A.3d 854 (2011), the Maryland Court of Appeals found, in part, certain provisions of The Reduction of Lead Risk in Housing Act (MD. CODE ENVIR. §§6-801, et. seq.) to be unconstitutional in that such provisions enabled property owners to immunize themselves from suit by making a "qualified offer" and limited claimants' rights to seek compensation.	CAS		Review	Form Rule	<a href="#">LI-GL-2012-148</a> 07/13/2012 <a href="#">LI-FR-2012-019</a> 07/13/2012 <a href="#">LI-BP-2012-081</a> 07/13/2012	Lori Kennedy 2813			Under Review.
MI	The Michigan Department of Insurance and Financial Services Bulletin 2017-12-INS issued on August 24, 2017, announced that the annual adjustment of the maximum amount payable for Work Loss and Survivor's Loss Benefits under Personal Protection Insurance is \$5,541 per month, effective October 1, 2017 through September 30, 2018.	AUTO	10/01/2017	Prep	Form	<a href="#">LI-CA-2017-279</a> 09/13/2017	Gregory Nduthu 2698			Initial Drafting Stage. Under Review circular issued.
MI	PUBLIC ACT # 581 of the Laws of Michigan requires a consultant, when submitting 'No Further Action Reports' to the Department of Environmental Quality, to attach a certificate of insurance demonstrating that the consultant has obtained, among other things, a professional liability errors and omissions policy which MUST (previously "may") not exclude bodily injury, property damage, or claims arising out of pollution for environmental work and MUST (previously "shall") be issued with a limit of not less than \$1,000,000.00 per claim.	COMB	12/28/2018	No Imp			Nathaniel Brown 2796			No impact on ISO's program.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
*MI	2019 Mich. Pub. Acts ____ (former H.B. 6484) adds MICH. COMP. LAWS ANN. § 500.3136 to the Michigan Insurance Code. The new section provides that the abolition of tort liability in addition to the exceptions listed under section 3135 does not apply to tangible property damage that occurs from one accident in excess of a previously stated limit for which liability insurance required by federal law is in effect. Section 3121(5) states that that the property protection insurance benefits consist of the lesser of reasonable repair costs or replacement costs less any depreciation and, if applicable, the value of loss of use. The section also states that the benefits paid under one policy for damage to all tangible property arising from one accident shall not exceed \$1,000,000. The second subsection of the new section 3136 states that subsection one exception is limited to the amount of the limit under the policy minus the limit under 3121 or \$4,000,000 in excess of the limit under section 3121, whichever is less.	AUTO	03/29/2019	No Imp	Non-ISO		Morgan McKinlay 2239		Other	No impact on ISO's program.
MN	In Poehler v. Cincinnati Insurance Company, 899 N.W.2d 135 (2017), the Supreme Court of Minnesota examined Minnesota Statutes § 549.09 subd. 1(b) and concluded in part that, absent contractual language explicitly precluding preaward interest, an insured can recover preaward interest on an insurance appraisal award without the existence of an underlying breach of contract or actionable wrongdoing.	CAS COMB OTHR		Review			David Geller 2780			Under Review.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
MO	2018 Mo. Laws ____ (Former S.B. 708), effective July 1, 2019, revises, in part, the minimum motor vehicle financial responsibility requirements from \$10,000 to \$25,000 "... because of injury to, or destruction of, property of others in any one accident."	AUTO	07/01/2019	Appvd	Form Loss Cost Rule	<a href="#">LI-CA-2018-267</a> 11/30/2018 <a href="#">LI-CA-2018-165</a> 07/17/2018	Stefanie Morisi 2676		Other	Implemented to become effective 07/01/2019.
#MU	<p>Pub. L. 112-141, 126 Stat. 916 (2012), <u>The Biggert-Waters Flood Insurance Reform Act of 2012 (the Act)</u>, amended, in part, the Federal flood insurance statutes to require federal agencies to issue a rule to direct a "regulated lending institution" as defined by the Act to accept "private flood insurance" as also defined by the Act to provide coverage for properties located in areas having special flood hazards.</p> <p>More recently, the United States Department of the Treasury and Office of the Comptroller of the Currency, in conjunction with other federal agencies, have issued 12 CFR Parts 22 and 172, entitled <u>Loans in Areas Having Special Flood Hazards</u>, which is scheduled to become effective July 1, 2019. This rule, in part, requires a "regulated lending institution" to accept policies that meet the definition of "private flood insurance" (mandatory acceptance) or provides such institutions with the discretion to accept policies which do not comply with the statutory and regulatory definition of "private flood insurance" but meet the conditions specified in the rule (discretionary acceptance).</p>	PROP	07/01/2019	Review	Form Rule	<a href="#">LI-OP-2019-001</a> 02/08/2019 <a href="#">LI-FC-2019-002</a> 02/08/2019 <a href="#">LI-CF-2019-008</a> 02/08/2019 <a href="#">LI-AL-2019-003</a> 02/08/2019 <a href="#">LI-OP-2012-062</a> 08/30/2012 <a href="#">LI-FR-2012-033</a> 08/30/2012 <a href="#">LI-CM-2012-037</a> 08/30/2012 <a href="#">LI-CF-2012-218</a> 08/30/2012 <a href="#">LI-BP-2012-205</a> 08/30/2012 <a href="#">LI-AG-2012-056</a> 08/30/2012	Joseph Ameen 2589			<u>Under Review.</u>



## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
MU	The United States District Court for the Western District of Washington, in Western Heritage Insurance Company v. Cyril Hoover DBA Okanogan Valley Transportation, et al., No. C15-1154RSM, 2016 WL 1242091 (W.D. Wash. Mar. 30, 2016), found, among other things, the language of a "Limitation to Designated Premises or Project" Endorsement to a commercial general liability policy issued to a cab service provider to not exclude coverage.	CAS		Review	Form	<a href="#">LI-BP-2016-063</a> 05/27/2016 <a href="#">LI-GL-2016-042</a> 05/12/2016 <a href="#">LI-CU-2016-048</a> 05/12/2016	Mitchel Tarter 2806	Other	Other	Under Review.
ND	2017 N.D. Laws ____ (former H.B. 1302), which becomes effective August 1, 2017, revises N.D. CENT. CODE § 26.1-39-05 which currently provides, in part, that if the covered loss occurred within ninety days after the policy effective date the loss payable to the insured is the lesser of the full value of the policy or the actual cash value or replacement cost of the property. This law revises the 90-day period to 60 days, and revises the loss payable to the insured, during this 60-day period, to the full value of the policy or the amount paid in accordance with the policy provisions as if a partial loss occurred.	PROP	08/01/2017	Prep	Form	<a href="#">LI-CL-2017-040</a> 05/18/2017 <a href="#">LI-CL-2017-024</a> 04/07/2017	Timothy McDonnell 3877			Filing under preparation.
NY	2017 N.Y. Laws ____ (former S.B. 5644), revises, in part, N.Y. INS. LAW § 3420 (f) by adding a new paragraph 2-a which, in part, addresses Supplementary Uninsured/Underinsured Motorists coverage offer requirements. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to new insurance policies and contracts issued on and after such effective date and shall expire and be deemed repealed June 30, 2020.	AUTO	06/17/2018	Review	Form Rule	<a href="#">LI-CA-2018-078</a> 03/09/2018 <a href="#">LI-CA-2018-001</a> 01/03/2018	Bill Coulton 2214			ISO action on hold.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
NY	The Sixth Amendment to 11 NYCRR 60-2 (Insurance Regulation No. 35-D), which becomes effective August 1, 2017 in part, provides: - Section 60-2.3 "Requirements for SUM endorsements," which includes revisions to the prescribed Supplementary Uninsured/Underinsured Motorists Endorsement; and - Section 60-2.2 "Notice about SUM coverage," which revises the requirements for a Supplementary Uninsured/Underinsured Motorists Notice.	AUTO	08/01/2017	Review	Form	<a href="#">LI-CA-2017-258</a> 08/16/2017	Bill Coulton 2214		Unwtg	Under Review. Based on our initial review of the Sixth Amendment to 11 NYCRR 60-2 (Insurance Regulation No. 35-D), we anticipate revising: - PP 04 09 01 14, Supplementary Uninsured/Underinsured Motorists Endorsement – New York - CA 31 07 10 13, New York Supplementary Uninsured/Underinsured Motorists Endorsement - IL U 004 09 03, New York Required Notice of Availability of Supplementary Uninsured/Underinsured Motorists Coverage
*NY	The New York Department of Financial Services issued a Notice on 12/04/2018 advising that, unless otherwise noted, emergency Regulation Adoptions in NY will expire 90 days after being filed with Secretary of State.	ALL		No Imp			Raymond Bekeris			No impact on ISO's program.
NY	2018 NY SB 2746 revised Subsection (n) of section 2108 of the insurance law. to generally provide that independent adjusters given temporary permits by the superintendent of insurance to adjust property claims related to catastrophe losses shall utilize cost data that is appropriate for that region of the state.  In addition, the law revised Section 2601 of the insurance law to generally add as unfair claims practices artificially deflating cost data used for adjusted claims or using cost data that is not appropriate for the region of the state where the loss occurred.	COMB PROP	12/21/2018	No Imp			Timothy McDonnell 3877			No impact on ISO's program.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
OH	<p>OH S.B. 273 introduces a definition of "cybersecurity event": "Cybersecurity event" means an event resulting in unauthorized access to, disruption of, or misuse of an information system or nonpublic information stored on an information system that has a reasonable likelihood of materially harming any consumer residing in this state or any material part of the normal operations of the licensee.</p> <p>OH S.B. 273 requires an insurer authorized to do business in OH to develop, implement, and maintain a comprehensive written information security program based on the licensee's risk assessment. Such a cyber security program must be commensurate with the size, complexity and activities of an insurer. Additionally, each insurer in Ohio is required to submit a written statement to the Superintendent of Insurance certifying compliance with all of the security program requirements and to retain documentation relating to any cybersecurity events for at least 5 years.</p> <p>OH S.B. 273 allows insurers to include notices of cancellations for nonpayment of premium with a billing notice for the following lines of insurance: commercial property, commercial fire, commercial casualty, medical malpractice, and personal lines.</p>	ALL	03/20/2019	No Imp			Gregory Nduthu 2698			No impact on ISO's program.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
*PA	In circular <a href="#">LI-CA-2019-024/LI-MT-2019-007/LI-PA-2019-017</a> , we announced that: - In Gallagher v. GEICO Indemn. Co., No. 35 WAP 2017, 2019 WL 290122, (Pa. Jan 23, 2019), generally pertaining to whether a "[household vehicle] exclusion impermissibly acts as a de facto waiver of stacked uninsured and underinsured motorist coverages", the Supreme Court of Pennsylvania held, in part, that "the household exclusion violates the MVFRL; therefore, these exclusions are unenforceable as a matter of law." - Based on our initial review of Gallagher v. GEICO, we anticipated revising the uninsured and underinsured (UM/UIM) coverage (stacked) endorsements under the Personal Auto, Motorcycle and Commercial Auto Programs. - We would advise you if we determined that we no longer plan to make the program revisions outlined above.	AUTO		No Imp	Form	<a href="#">LI-CA-2019-058</a> 03/08/2019 <a href="#">LI-CA-2019-024</a> 02/01/2019	Stefanie Morisi 2676		Other	No impact on ISO's program.
PA	In Toner v. The Travelers Home and Marine Insurance Company, 137 A.3d 583 (2016), Superior Court of PA held that an insurer was not required to provide the Named Insured with a new waiver of stacking form when the Named Insured adds cars to a single vehicle policy.	AUTO		Review			Gregory Nduthu 2698			No changes at this time. ISO plans to continue to monitor for subsequent developments and further evaluate for future action.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
RI	<p>The Rhode Island Department of Business Regulation, Insurance Division, issued Insurance Bulletin 2019-1 concerning emergency procedures relating to claims arising from gas outages in Newport County, RI, which provides that, "[o]n January 21, 2019, Governor Raimondo declared a State of Emergency for Newport County, RI after more than 7100 National Grid customers lost gas service. Claims for damages against National Grid should be submitted directly to National Grid.... The [Rhode Island Insurance] Department encourages Rhode Island policyholders impacted by the gas outages to also contact their insurer or insurance agent to discuss insurance coverages that may be available." The Department offers guidance to licensees on claims handling, policy provisions including premium payments and vacancy provisions, and Underwriting which relates to the recent gas outages and restoration efforts underway in Newport County, RI.</p> <p>Questions on this bulletin may be sent to <a href="mailto:DBR.Insurance@dbr.ri.gov">DBR.Insurance@dbr.ri.gov</a> or by phone at 401-462-9520.</p>	PROP		No Imp	Non-ISO		Amanda Swiger 4326		Claims Term Unwtg	No impact on ISO's program.

## Commercial Lines Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
UT	In Dircks v. The Travelers Indemnity Company of America, the Utah Supreme Court generally held, in part, that any vehicle covered under the liability provisions of an auto insurance policy must also be covered under the underinsured motorist provisions of that policy, and with equal limits, unless a named insured waives the coverage by signing an acknowledgment form meeting certain statutory requirements. Utah commercial auto forms, rules, and loss costs filings were made in response to Utah Supreme Court's holding in Dircks v. The Travelers Indemnity Company of America, 416 P.3d 376 (2017).	AUTO		Appvd	Form Loss Cost Rule	<a href="#">LI-CA-2019-034</a> 02/06/2019 <a href="#">LI-CA-2019-033</a> 02/06/2019 <a href="#">LI-CA-2019-032</a> 02/06/2019	Larisa Wirth-Granlund 2711		Unwtg	Implemented to become effective 07/01/2019.
*VA	VA HB 1867 amends VA. Code. Ann. §§ 46.2-688, 706-08, 710 to make various changes including, but not limited to: allowing the Department of Motor Vehicles to withhold registration refunds if the applicant does not return license plates when prompted; increasing the noncompliance fee from \$500 to \$600 for in multiple areas; requiring insurance companies in VA to electronically give to the Department updates within 30 days of a policy change to vehicle insurance that satisfies financial responsibility requirements.	AUTO	07/01/2019	No Imp	Non-ISO		Morgan McKinlay 2239		Other	No impact on ISO's program.
VA	Virginia Adopted amendments to chapter 335 of title 14 of the Virginia Administrative Code, Rules Governing Claims-made Liability Insurance Policies (amending Rules 14VAC5-335-10 through 14VAC5-335-60 and adding new Rules 14VAC5-335-23, 14VAC5-335-27 and 14VAC5-335-45); sets forth requirements with respect to claims-made liability policies.	COMB	10/01/2018	Pend	Form Rule	<a href="#">LI-CL-2018-036</a> 10/03/2018 <a href="#">LI-CL-2018-035</a> 10/03/2018 <a href="#">LI-CL-2018-010</a> 04/06/2018	Lori Kennedy 2813			Filing submitted to the Virginia Bureau of Insurance on October 1, 2018.

## Personal Auto Circular Summary

Status		Type	
APPVD	= Approved	FORM	= Policy Forms
DISAPV	= Disapproved	LOSS COSTS	= Loss Costs
DONE	= ISO Activity Completed	NON-ISO	= Procedural Item
NO IMP	= No Impact	RATE	= Rates
PEND	= Filed and Pending	RULE	= Rules
PREP	= Filing/Policywriting Support Form in Preparation	SUPPORT	= Policywriting Support Forms
REVIEW	= Under Review		
W/DRAWN	= Withdrawn		

### Major Categories of Policywriting Support Forms:

APPS	= Applications
CERTS	= Certificates of Insurance
CLAIMS	= Claim Forms, First Report of Injury and Loss Notices
DISCL	= Disclosure Forms
FRAUD	= Fraud Warnings
OTHER	= Other
PHN	= Policyholder Notices
SELECT	= Selection/Rejection/Waivers for UM/UIM, PIP
TERM	= Cancellation/Nonrenewal/Changes in Policy Premium and /or Scope of Coverage Notices and Lost Policy Releases

### Major Categories of Company Procedural Requirements:

CLAIMS	= Claims Handling and Reporting (Examples: reports to insureds; reports to third parties)
DISCNT	= Discounts, such as "Safety" discounts
FINAN	= Billing/Premium Finance
OTHER	= Other
TERM	= Policy Termination/Cancellation/Renewal/Nonrenewal (Examples: records maintenance; premium computation following late notice of nonrenewal)
UNWTG	= Underwriting (Examples: permissible underwriting criteria; privacy/nondisclosure requirements)

An asterisk (\*) is printed in the far-left column for all **new** items. A pound sign (#) is printed in the far-left column for all items that have been updated since the last release of the circular. In addition, we have underlined the specific portion of the item that has been revised for easy identification of all changes.

**CAUTION:** This summary contains certain laws, regulations and court cases reviewed by ISO. It is intended to assist you in your advanced planning but should NOT be used as a substitute for your independent review of all laws, regulations or court decisions to determine those requirements which affect your operations. ISO makes no warranties, expressed or implied, that this is an exhaustive, all-encompassing summary of all laws, regulations, or court decisions that may have an impact on your operation.

## Personal Auto Circular Summary

State	Item Description	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
CO	In <i>Tubbs v. Farmers Ins. Exch.</i> , No. 14CA0782, 2015 Colo. App. LEXIS 763 (Colo. Ct. App. May 21, 2015), the Colorado Court Of Appeals stated, in part, "Generally, the states that have found exhaustion clauses in insurance contracts to be enforceable have done so because the statute specifically allowed or required UIM [Underinsured motorists] coverage to be conditioned on exhaustion of the liable party's liability limit...Colorado's UIM statute contains no such allowance or requirement."		Review	Form		Jennifer Zilkha 2684		Other	No changes at this time. ISO plans to continue to monitor for subsequent developments and further evaluate for future action.
CT	2018 Conn. Acts 18-158 (former H.B. 5206) amends CONN. GEN. STAT. § 38a-323a, effective October 1, 2019, to now provide that an electronic mail address shall be included in the statement designating a third party to receive notice of cancellation or nonrenewal of the policy.	10/01/2019	Review	Form	<a href="#">LI-PA-2018-179</a> 07/25/2018	Stefanie Morisi 2676	Other	Other	Under Review.
CT	Connecticut Insurance Department Bulletin PC-87 provides guidelines and procedures for Auto and Motorcycle ID Cards required in CT. Effective October 1, 2018 the requirement of presenting an ID card may be satisfied through electronic means, including displaying on a cell phone or other similar electronic device.		No Imp	Non-ISO		Stefanie Morisi 2676		Other	No impact on ISO's program.
DE	In <i>Mark Banaszak v. Progressive Direct Ins. Co.</i> , 3 A.3d 1089 (Del. 2010), the Delaware Supreme Court held, in part, that pursuant to DEL. CODE ANN. tit. 18, § 3902, an insurer must "(1) not deliver any insurance policy without the minimum uninsured coverage, unless rejected by the insured in writing; and must (2) make a meaningful offer supplying the insured with supplemental UM/UIM coverage up to the limits of an insured's bodily injury liability insurance." The court also found that there is nothing in the statute that suggests the two offers are dependent on one another or that one is a prerequisite for the other.		Prep	Support	<a href="#">LI-PA-2011-002</a> 01/04/2011 <a href="#">LI-PA-2010-280</a> 11/19/2010	Lillian Carlson 2699	Select	Other	Status circular issued. Policywriting Support Form under development.



## Personal Auto Circular Summary

State	Item Description	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
#DE	2017 Del. Laws ____ (former House Substitute 1 for H.B. 80), effective May 1, 2018, in part, replaces existing Chapter 83 of DEL. CODE ANN. tit. 18 to regulate the use of credit information for underwriting and rating personal insurance and includes certain prohibitions in the use of credit information as well as disclosure and notice requirements. With the adoption of former House Substitute 1 for H.B. 80, current Delaware Insurance Regulation 906 is now outdated and will be repealed effective May 1, 2018.	05/01/2018	Review	Support	<a href="#">LI-PA-2018-070</a> 03/20/2018	Stefanie Morisi 2676	Other		Under Review.
FL	2018 Fla. Laws. Ch. ____ (former H.B. 465), in part, amends FLA. STAT. ANN. § 627.728 (5) (2018) to expand the methods for mailing cancellation and nonrenewal notices to the first-named insured to include other mailing using the Intelligent Mail barcode or other similar tracking method used or approved by the United States Postal Service. In addition, FLA. STAT. ANN. § 627.7015 (1) (2018) is amended to provide under the nonadversarial alternative dispute resolution procedure that, in addition to the insurer and the policyholder, a third-party, as an assignee of the policy benefits, may also request mediation of a claims dispute. However, an insurer is not required to participate in any mediation requested by this third-party assignee. Based on our initial review of 2018 Fla. Laws. Ch. ____ (former H.B. 465), we anticipate revising several commercial and personal lines endorsements.	03/30/2018	Pend	Form	<a href="#">LI-PA-2018-126</a> 05/24/2018 <a href="#">LI-PA-2018-091</a> 04/16/2018	Larisa Wirth-Granlund 2711		Unwtg	Filing submitted.

## Personal Auto Circular Summary

State	Item Description	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
GA	2018 Ga. Laws ____ (former H.B. 878), which becomes effective July 1, 2018, amends GA. CODE ANN. § 33-24-44.1 to provide, in part, "(a) An insured may request cancellation of an existing insurance policy by [...] making a request for cancellation of an insurance policy to the insurer or its duly authorized agent orally, electronically, or in writing[...]. In the event of oral cancellation the insurer, shall, within 10 days provide such insured, electronically or in writing, confirmation of such requested cancellation. The insurer or its duly authorized agent may require that the insured provide written, electronic, or other recorded verification of the request for cancellation prior to such cancellation taking effect."	07/01/2018	Done	Form	<a href="#">LI-PA-2018-240</a> 10/12/2018 <a href="#">LI-PA-2018-161</a> 07/05/2018 <a href="#">LI-PA-2018-125</a> 05/22/2018	Lillian Carlson 2699		Term	Amendment filing approved. Effective date: 02/01/2019.
KS	2018 K.S. HB 2571, effective 07/01/2018, repealed and replaced the prior Kansas Arbitration Act. Current K.S.A. §5-428(a), in contrast with the arbitration law previously applicable in this state, does not exclude application to "contracts of insurance", where it states in part: "An agreement contained in a record to submit to arbitration any existing or subsequent controversy arising between the parties is valid, enforceable and irrevocable, except upon a ground that exists at law or in equity for the revocation of a contract." In response to K.S. HB 2571, we intend to submit filings for various Commercial and Personal lines of business, which will generally replace Kansas exceptions for arbitration and appraisal provisions with multistate versions.	07/01/2018	Appvd	Form Rule	<a href="#">LI-PA-2019-009</a> 01/14/2019 <a href="#">LI-PA-2018-247</a> 10/26/2018	Timothy McDonnell 3877			Implemented to become effective 06/01/2019. Commercial Lines filing submitted - Circular <a href="#">LI-CL-2018-038</a> . Personal Property and Specialty Program filings submitted - circulars <a href="#">LI-DP-2018-079</a> , et al and <a href="#">LI-MT-2018-094/LI-WT-2018-018</a> . Personal auto filing submitted - circular <a href="#">LI-PA-2018-247</a> .

## Personal Auto Circular Summary

State	Item Description	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
#MD	The Maryland Insurance Commissioner has amended Regulations .04 and .05 under Md. Code Regs. 31.08.15. Underwriting Period to: 1. Make Section 31.08.15 applicable to all personal lines, commercial property, and commercial liability. However, this section does not apply to renewal business. 2. Revise Regulation .04. Discovery of Material Risk Factor During Underwriting Period to clarify the types of explanations required on notices to policyholders when business is issued with an increase or decrease in premiums. This subsection is also amended to remove reference to certificate of mailing and to provide that required notices may be sent via a first-class mail tracking method. 3. Revise Regulation .05. Notice of Recalculated Premium Form to provide explanations required on notices to insureds if there is discovery of material risk factor during the initial 45-day underwriting period. This notice may now be mailed via a first-class mail tracking method.	01/14/2019	<u>Done</u>	Form		Gregory Nduthu 2698		Unwtg	Approved to become effective 01/14/2019.
MI	The Michigan Department of Insurance and Financial Services Bulletin 2017-12-INS issued on August 24, 2017, announced that the annual adjustment of the maximum amount payable for Work Loss and Survivor's Loss Benefits under Personal Protection Insurance is \$5,541 per month, effective October 1, 2017 through September 30, 2018.	10/01/2017	Prep	Form	<a href="#">LI-PA-2017-166</a> 09/13/2017	Gregory Nduthu 2698			Initial Drafting Stage. Under Review circular issued.

## Personal Auto Circular Summary

State	Item Description	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
*MI	2019 Mich. Pub. Acts ____ (former H.B. 6484) adds MICH. COMP. LAWS ANN. § 500.3136 to the Michigan Insurance Code. The new section provides that the abolition of tort liability in addition to the exceptions listed under section 3135 does not apply to tangible property damage that occurs from one accident in excess of a previously stated limit for which liability insurance required by federal law is in effect. Section 3121(5) states that that the property protection insurance benefits consist of the lesser of reasonable repair costs or replacement costs less any depreciation and, if applicable, the value of loss of use. The section also states that the benefits paid under one policy for damage to all tangible property arising from one accident shall not exceed \$1,000,000. The second subsection of the new section 3136 states that subsection one exception is limited to the amount of the limit under the policy minus the limit under 3121 or \$4,000,000 in excess of the limit under section 3121, whichever is less.	03/29/2019	No Imp	Non-ISO		Morgan McKinlay 2239		Other	No impact on ISO's program.
MO	2018 Mo. Laws ____ (Former S.B. 708), effective July 1, 2019, revises, in part, the minimum motor vehicle financial responsibility requirements from \$10,000 to \$25,000 "... because of injury to, or destruction of, property of others in any one accident."	07/01/2019	Appvd	Form Loss Cost Rule	<a href="#">LI-PA-2018-291</a> 12/20/2018 <a href="#">LI-PA-2018-290</a> 12/20/2018 <a href="#">LI-PA-2018-270</a> 11/30/2018 <a href="#">LI-PA-2018-269</a> 11/30/2018 <a href="#">LI-PA-2018-171</a> 07/17/2018	Stefanie Morisi 2676		Other	Implemented to become effective 07/01/2019.
*NY	The New York Department of Financial Services issued a Notice on 12/04/2018 advising that, unless otherwise noted, emergency Regulation Adoptions in NY will expire 90 days after being filed with Secretary of State.		No Imp			Raymond Bekeris			No impact on ISO's program.

## Personal Auto Circular Summary

State	Item Description	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
NY	<p>2017 N.Y. Laws ____ (former S.B. 5644), revises, in part, N.Y. INS. LAW § 3420 (f) by adding a new paragraph 2-a which, in part, addresses Supplementary Uninsured/Underinsured Motorists coverage offer requirements.</p> <p>This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to new insurance policies and contracts issued on and after such effective date and shall expire and be deemed repealed June 30, 2020.</p>	06/17/2018	Review	Form Rule	<a href="#">LI-PA-2018-060</a> 03/09/2018 <a href="#">LI-PA-2018-001</a> 01/03/2018	Bill Coulton 2214			ISO action on hold.
OH	<p>OH S.B. 273 introduces a definition of "cybersecurity event": "Cybersecurity event" means an event resulting in unauthorized access to, disruption of, or misuse of an information system or nonpublic information stored on an information system that has a reasonable likelihood of materially harming any consumer residing in this state or any material part of the normal operations of the licensee.</p> <p>OH S.B. 273 requires an insurer authorized to do business in OH to develop, implement, and maintain a comprehensive written information security program based on the licensee's risk assessment. Such a cyber security program must be commensurate with the size, complexity and activities of an insurer. Additionally, each insurer in Ohio is required to submit a written statement to the Superintendent of Insurance certifying compliance with all of the security program requirements and to retain documentation relating to any cybersecurity events for at least 5 years.</p> <p>OH S.B. 273 allows insurers to include notices of cancellations for nonpayment of premium with a billing notice for the following lines of insurance: commercial property, commercial fire, commercial casualty, medical malpractice, and personal lines.</p>	03/20/2019	No Imp			Gregory Nduthu 2698			No impact on ISO's program.

## Personal Auto Circular Summary

State	Item Description	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
PA	In Toner v. The Travelers Home and Marine Insurance Company, 137 A.3d 583 (2016), Superior Court of PA held that an insurer was not required to provide the Named Insured with a new waiver of stacking form when the Named Insured adds cars to a single vehicle policy.		Review			Gregory Nduthu 2698			No changes at this time. ISO plans to continue to monitor for subsequent developments and further evaluate for future action.
*PA	In circular <a href="#">LI-CA-2019-024/LI-MT-2019-007/LI-PA-2019-017</a> , we announced that: <ul style="list-style-type: none"> <li>- In Gallagher v. GEICO Indemn. Co., No. 35 WAP 2017, 2019 WL 290122, (Pa. Jan 23, 2019), generally pertaining to whether a "[household vehicle] exclusion impermissibly acts as a de facto waiver of stacked uninsured and underinsured motorist coverages", the Supreme Court of Pennsylvania held, in part, that "the household exclusion violates the MVFRL; therefore, these exclusions are unenforceable as a matter of law."</li> <li>- Based on our initial review of Gallagher v. GEICO, we anticipated revising the uninsured and underinsured (UM/UIM) coverage (stacked) endorsements under the Personal Auto, Motorcycle and Commercial Auto Programs.</li> <li>- We would advise you if we determined that we no longer plan to make the program revisions outlined above.</li> </ul>		No Imp	Form	<a href="#">LI-PA-2019-053</a> 03/08/2019 <a href="#">LI-PA-2019-017</a> 02/01/2019	Stefanie Morisi 2676		Other	No impact on ISO's program.
PR	Puerto Rico Office of the Commissioner of Insurance Ruling Letter No.: CN-2016-206-AP dated 11/07/2016 advises insurers of the Commissioner of Insurance's position to "clarify the standard that governs arbitration clauses for all insurance policies issued in Puerto Rico."		Review	Form	<a href="#">LI-PA-2016-350</a> 12/21/2016	Stefanie Morisi 2676		Claims	Undergoing initial analysis. Under Review circular issued.
RI	Rhode Island Insurance Department has adopted Revised 230-RICR-20-05-3, Automobile Insurance Rating which in part, revises sections 3.3 Definitions, 3.7 Premium Surcharges, 3.8 Chargeable Accident, and 3.13 Use of Insurance Score in Rating or Underwriting. Please also see Rhode Island Department of Business Regulation Insurance Bulletin 2018-15.	09/30/2018	No Imp			Larisa Wirth-Granlund 2711			No impact on ISO's program.

## Personal Auto Circular Summary

State	Item Description	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
TN	Martin v. Powers, 505 S.W.3d 512 (Tenn. 2016); the Tennessee Supreme Court found, when evaluating the term "self-insurer" under uninsured motorists' coverage, that the policy's failure to define "self-insurer" and its broad reference to "any applicable motor vehicle" rendered the provision both vague and indefinite and held that the provision at issue was ambiguous.		Prep	Form	<a href="#">LI-PA-2017-056</a> 04/03/2017	Stefanie Morisi 2676			Filing under preparation.
*VA	VA HB 1867 amends VA. Code. Ann. §§ 46.2-688, 706-08, 710 to make various changes including, but not limited to: allowing the Department of Motor Vehicles to withhold registration refunds if the applicant does not return license plates when prompted; increasing the noncompliance fee from \$500 to \$600 for in multiple areas; requiring insurance companies in VA to electronically give to the Department updates within 30 days of a policy change to vehicle insurance that satisfies financial responsibility requirements.	07/01/2019	No Imp	Non-ISO		Morgan McKinlay 2239		Other	No impact on ISO's program.

## Personal Property and Specialty Programs Circular Summary

Status		Type	Classification
APPVD	= Approved	FORM = Policy Forms	HO = Homeowners only
DISAPV	= Disapproved	LOSS COSTS = Loss costs	DP = Dwelling Property only
DONE	= ISO Activity Completed	NON-ISO = Procedural Item	COMB = Combination (see comments)
NO IMP	= No Impact	RATE = Rates	PIM = Personal Inland Marine only
PEND	= Filed and Pending	RULE = Rules	ALL = All Personal Property Lines and Specialty Programs
PREP	= Filing/Policywriting Support Form in Preparation	SUPPORT = Policywriting Support Forms	DL = Personal Liability, Personal Insurance Coverage, and Personal Liability and Theft
REVIEW	= Under Review		WT = Watercraft
W/DRAWN	= Withdrawn.		MT = Motorcycle

### Major Categories of Policywriting Support Forms:

APPS	= Applications
CERTS	= Certificates of Insurance
CLAIMS	= Claim Forms, First Report of Injury and Loss Notices
DISCL	= Disclosure Forms
FRAUD	= Fraud Warnings
OTHER	= Other
PHN	= Policyholder Notices
SELECT	= Selection/Rejection/Waivers for UM/UIM, PIP
TERM	= Cancellation/Nonrenewal/Changes in Policy Premium and /or Scope of Coverage Notices and Lost Policy Releases

### Major Categories of Company Procedural Requirements:

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OTHER	= Other
TERM	= Policy Termination/Cancellation/Renewal/Nonrenewal (Examples: records maintenance; premium computation following late notice of nonrenewal)
UNWTG	= Underwriting (Examples: permissible underwriting criteria; privacy/nondisclosure requirements)

An asterisk (\*) is printed in the far-left column for all **new** items. A pound sign (#) is printed in the far-left column for all items that have been updated since the last release of the circular. In addition, we have underlined the specific portion of the item that has been revised for easy identification of all changes.

**CAUTION:** This summary contains certain laws, regulations and court cases reviewed by ISO. It is intended to assist you in your advanced planning but should NOT be used as a substitute for your independent review of all laws, regulations or court decisions to determine those requirements which affect your operations. ISO makes no warranties, expressed or implied, that this is an exhaustive, all-encompassing summary of all laws, regulations, or court decisions that may have an impact on your operation.



## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
CA	2018 Cal. Stat. 639 (former A.B. 2594) amends CAL. INS. CODE § 2071 to provide that if the loss is related to a state of emergency, as defined in subdivision (b) of Section 8558 of the Government Code, the time limit to bring suit is extended to 24 months after inception of the loss. Based on our initial review, we are evaluating revising the Suit Against Us and Legal Action Against Us provisions contained within the applicable Personal Property and Commercial forms.	COMB DP HO	09/21/2018	Review	Form Rule	<a href="#">LI-HO-2018-139</a> 10/12/2018 <a href="#">LI-DP-2018-077</a> 10/12/2018	Gabriela Medina 2638			Under Review.
CA	2018 Cal. Stat. 616 (former S.B. 824) and 618 (former S.B. 894) amend CAL. INS. CODE § 675.1, to generally: - Provide that in case of a total loss to the primary structure, under certain circumstances, the insurer shall offer for at least the next two annual renewal periods, but not less than 24 months of coverage from the date of the loss, to renew the policy; and - Prohibit under certain circumstances cancelling or non-renewing policies located in any Zip Code within or adjacent to the fire perimeter, solely based on the structure being located in an area where a wildfire has occurred, for one year after the declaration of a state of emergency.	DP HO	01/01/2019	Pend	Form Rule	<a href="#">LI-HO-2019-005</a> 01/09/2019 <a href="#">LI-HO-2019-004</a> 01/09/2019 <a href="#">LI-DP-2019-003</a> 01/09/2019 <a href="#">LI-DP-2019-002</a> 01/09/2019 <a href="#">LI-HO-2018-137</a> 10/03/2018 <a href="#">LI-DP-2018-075</a> 10/03/2018	Amanda Swiger 4326		Term	Filing submitted to the Insurance Department on 12/28/2018.

## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
CA	<p>2018 Cal. Stat. 618 (former S.B. 894), 627 (former A.B. 1772), and 628 (former A.B. 1800) amends CAL. INS. CODE § 2051.5, to generally provide:</p> <ul style="list-style-type: none"> <li>- That the minimum time limit for an insured to collect the full replacement cost of a loss related to a state of emergency is extended from 24 months to 36 months;</li> <li>- That an insurer shall provide one or more additional extensions of six months for good cause if an insured, acting in good faith and with due diligence, encounters a delay or delays in approvals or reconstruction of a home;</li> <li>- That in the event of a total loss to an insured structure, an insurer may not limit or deny payment of the building code upgrade cost or replacement cost including replacement cost coverage, under certain circumstances, on the basis the insured decides to rebuild, or purchase an already built home, at a new location. However, the measure of indemnity shall not exceed the replacement cost, including the building code upgrade cost and any extended replacement cost coverage, if applicable, to repair, rebuild or replace the insured structure at its original location; and</li> <li>- In case of a covered loss relating to a state of emergency, an extension for Additional Living Expenses for up to 12 additional months, for a total of 36 months, if an insured encounter delays in the reconstruction process that are the result of circumstances beyond the control of the insured.</li> </ul>	DP HO	01/01/2019	Pend	Form Rule	<a href="#">LI-HO-2019-005</a> 01/09/2019 <a href="#">LI-HO-2019-004</a> 01/09/2019 <a href="#">LI-DP-2019-003</a> 01/09/2019 <a href="#">LI-DP-2019-002</a> 01/09/2019 <a href="#">LI-HO-2018-137</a> 10/03/2018 <a href="#">LI-DP-2018-075</a> 10/03/2018	Amanda Swiger 4326		Term	Filing submitted to the Insurance Department on 12/28/2018.

## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
CA	2018 Cal. Stat. 618 (former S.B. 894) adds CAL. INS. CODE § 10103.7, to generally allow an insured that has suffered a loss relating to a state of emergency to combine the payments for claims losses up to the policy limits for primary dwelling and other structures, and to use the combined amount.	DP HO	01/01/2019	Pend	Form Rule	<a href="#">LI-HO-2019-005</a> 01/09/2019 <a href="#">LI-HO-2019-004</a> 01/09/2019 <a href="#">LI-DP-2019-003</a> 01/09/2019 <a href="#">LI-DP-2019-002</a> 01/09/2019 <a href="#">LI-HO-2018-137</a> 10/03/2018 <a href="#">LI-DP-2018-075</a> 10/03/2018	Amanda Swiger 4326		Term	Filing submitted to the Insurance Department on 12/28/2018.
CA	<p>In a notice entitled, “Residential Personal Property Coverage for Wildfire Insurance Claims”, dated December 3, 2018, the California Insurance Commissioner is requesting that all insurers voluntarily provide at least 75%, and up to 100%, of their insureds’ Personal Property (Contents) limits without an inventory. This request applies to all insured homes that suffered a total loss, unless the insurer has reason to believe the home was not furnished.</p> <p>The Commissioner requests that insurers advise the Department by December 28, 2018 as to whether or not they will comply with this request and what percentage they will provide.</p> <p>Insurers should send their responses to the attention of Nina Garza via email to: <a href="mailto:Nina.Garza@insurance.ca.gov">Nina.Garza@insurance.ca.gov</a></p>	DP HO PIM		No Imp	Non-ISO		Amanda Swiger 4326		Claims	No impact on ISO's program.
CT	Connecticut Insurance Department Bulletin PC-87 provides guidelines and procedures for Auto and Motorcycle ID Cards required in CT. Effective October 1, 2018 the requirement of presenting an ID card may be satisfied through electronic means, including displaying on a cell phone or other similar electronic device.	MT		No Imp	Non-ISO		Stefanie Morisi 2676		Other	No impact on ISO's program.

## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
CT	2018 Conn. Acts 18-158 (former H.B. 5206) amends CONN. GEN. STAT. § 38a-323a, effective October 1, 2019, to now provide that an electronic mail address shall be included in the statement designating a third party to receive notice of cancellation or nonrenewal of the policy.	HO MT	10/01/2019	Review	Form	<a href="#">LI-MT-2018-070</a> 07/25/2018 <a href="#">LI-HO-2018-094</a> 07/25/2018	Stefanie Morisi 2676	Other	Other	Under Review.
DC	Effective January 16, 2019, the Council of DC enacted the "Short-Term Rental Regulations Act of 2018" (2017 DC BN 00092) which includes in part under Sec. 102. Restrictions on short-term rentals, (b) that "A host providing a short-term rental shall have current liability insurance of at least \$500,000, which may be provided by the booking service. The Mayor may adjust the minimum dollar amount of this insurance requirement by rulemaking."	COMB DL DP HO	01/25/2019	No Imp			Raymond Bekeris			No impact on ISO's program.
*DE	Delaware Department of Insurance Bulletin 74, revised February 19, 2019, repeals Regulation 704. Regulation 704 required listed insurers to complete and submit homeowners' premium data for each of the 58 Delaware counties by May 1st of each year. By repealing Regulation 704, insurers are no longer required to submit homeowners' premium data to the Delaware DOI for the DOI's online rate estimate tool.	HO	02/19/2019	No Imp	Non-ISO		Amanda Swiger 4326			No impact on ISO's program.
DE	2017 Del. Laws ____ (former House Substitute 1 for H.B. 80), effective May 1, 2018, in part, replaces existing Chapter 83 of DEL. CODE ANN. tit. 18 to regulate the use of credit information for underwriting and rating personal insurance and includes certain prohibitions in the use of credit information as well as disclosure and notice requirements. With the adoption of former House Substitute 1 for H.B. 80, current Delaware Insurance Regulation 906 is now outdated and will be repealed effective May 1, 2018.	DP HO MT WT	05/01/2018	Review	Support	<a href="#">LI-WT-2018-004</a> 03/20/2018 <a href="#">LI-MT-2018-031</a> 03/20/2018 <a href="#">LI-HO-2018-029</a> 03/20/2018 <a href="#">LI-DP-2018-026</a> 03/20/2018	Stefanie Morisi 2676	Other		Under Review.

## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
FL	<p>2018 Fla. Laws. Ch. ____ (former H.B. 465), in part, amends FLA. STAT. ANN. § 627.728 (5) (2018) to expand the methods for mailing cancellation and nonrenewal notices to the first-named insured to include other mailing using the Intelligent Mail barcode or other similar tracking method used or approved by the United States Postal Service.</p> <p>In addition, FLA. STAT. ANN. § 627.7015 (1) (2018) is amended to provide under the nonadversarial alternative dispute resolution procedure that, in addition to the insurer and the policyholder, a third-party, as an assignee of the policy benefits, may also request mediation of a claims dispute. However, an insurer is not required to participate in any mediation requested by this third-party assignee. Based on our initial review of 2018 Fla. Laws. Ch. ____ (former H.B. 465), we anticipate revising several commercial and personal lines endorsements.</p>	DP HO PIM	03/30/2018	Pend	Form	<a href="#">LI-HO-2019-007</a> 01/11/2019 <a href="#">LI-DP-2019-006</a> 01/11/2019 <a href="#">LI-HO-2018-180</a> 12/11/2018 <a href="#">LI-DP-2018-086</a> 12/11/2018 <a href="#">LI-PM-2018-070</a> 09/06/2018 <a href="#">LI-HO-2018-115</a> 09/06/2018 <a href="#">LI-DP-2018-065</a> 09/06/2018 <a href="#">LI-PM-2018-049</a> 07/27/2018 <a href="#">LI-HO-2018-097</a> 07/27/2018 <a href="#">LI-DP-2018-058</a> 07/27/2018 <a href="#">LI-PM-2018-024</a> 05/29/2018 <a href="#">LI-HO-2018-059</a> 05/29/2018 <a href="#">LI-DP-2018-043</a> 05/29/2018 <a href="#">LI-PM-2018-010</a> 04/16/2018 <a href="#">LI-HO-2018-043</a> 04/16/2018 <a href="#">LI-DP-2018-034</a> 04/16/2018	Larisa Wirth-Granlund 2711		Unwtg	Filing submitted.

## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
GA	2018 Ga. Laws ____ (former H.B. 878), which becomes effective July 1, 2018, amends GA. CODE ANN. § 33-24-44.1 to provide, in part, "(a) An insured may request cancellation of an existing insurance policy by [...] making a request for cancellation of an insurance policy to the insurer or its duly authorized agent orally, electronically, or in writing[...]. In the event of oral cancellation the insurer, shall, within 10 days provide such insured, electronically or in writing, confirmation of such requested cancellation. The insurer or its duly authorized agent may require that the insured provide written, electronic, or other recorded verification of the request for cancellation prior to such cancellation taking effect."	ALL	07/01/2018	Done	Form	<a href="#">LI-WT-2018-015</a> 09/27/2018 <a href="#">LI-PM-2018-085</a> 09/27/2018 <a href="#">LI-MT-2018-084</a> 09/27/2018 <a href="#">LI-HO-2018-128</a> 09/27/2018 <a href="#">LI-DP-2018-070</a> 09/27/2018 <a href="#">LI-DL-2018-107</a> 09/27/2018 <a href="#">LI-DL-2018-106</a> 09/27/2018 <a href="#">LI-WT-2018-010</a> 07/06/2018 <a href="#">LI-PM-2018-040</a> 07/06/2018 <a href="#">LI-MT-2018-066</a> 07/06/2018 <a href="#">LI-HO-2018-085</a> 07/06/2018 <a href="#">LI-DP-2018-051</a> 07/06/2018 <a href="#">LI-DL-2018-043</a> 07/06/2018 <a href="#">LI-DL-2018-042</a> 07/06/2018 <a href="#">LI-PM-2018-020</a> 05/22/2018 <a href="#">LI-MT-2018-051</a> 05/22/2018 <a href="#">LI-HO-2018-057</a> 05/22/2018 <a href="#">LI-DP-2018-041</a> 05/22/2018 <a href="#">LI-DL-2018-037</a> 05/22/2018	Jennifer Zilkha 2684		Term	Approved to become effective 02/01/2019 in DL, DP, HO & PM. Approved distribution date of 02/2019 in DL, MT & WT.

## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
GA	2018 Ga. Laws ____ (former H.B. 760), which becomes effective July 1, 2018, amends GA. CODE. ANN § 33-24-46 to provide, in part: - "(b)(2) 'Nonrenewal' or 'nonrenewed' means a refusal by an insurer or an affiliate of an insurer to renew. Failure of an insured to pay the premium as required of the insured for renewal, A CHANGE IN POLICY TERMS, OR A REDUCTION IN COVERAGE..." (emphasis supplied); - New section, (b)(5) which provides a definition for "reduction in coverage"; and - New section, "(d)(2) An insurer shall provide a written notice of a reduction in coverage to the named insured no less than 30 days prior to the effective date of the proposed reduction in coverage; provided that such notice shall be printed in all capital letters in a separate document entitled 'NOTICE OF REDUCTION IN COVERAGE.'..."	DP HO	07/01/2018	Review	Form		Bill Coulton 2214			Under Review.
KS	2018 K.S. HB 2571, effective 07/01/2018, repealed and replaced the prior Kansas Arbitration Act. Current K.S.A. §5-428(a), in contrast with the arbitration law previously applicable in this state, does not exclude application to "contracts of insurance", where it states in part: "An agreement contained in a record to submit to arbitration any existing or subsequent controversy arising between the parties is valid, enforceable and irrevocable, except upon a ground that exists at law or in equity for the revocation of a contract." In response to K.S. HB 2571, we intend to submit filings for various Commercial and Personal lines of business, which will generally replace Kansas exceptions for arbitration and appraisal provisions with multistate versions.	ALL	07/01/2018	Appvd	Form Rule	<a href="#">LI-WT-2019-002</a> 01/14/2019 <a href="#">LI-WT-2019-001</a> 01/14/2019 <a href="#">LI-PM-2019-003</a> 01/14/2019 <a href="#">LI-HO-2019-006</a> 01/14/2019 <a href="#">LI-FD-2019-002</a> 01/14/2019 <a href="#">LI-DP-2019-005</a> 01/14/2019 <a href="#">LI-WT-2018-018</a> 10/26/2018 <a href="#">LI-PM-2018-103</a> 10/26/2018 <a href="#">LI-MT-2018-094</a> 10/26/2018 <a href="#">LI-HO-2018-155</a> 10/26/2018 <a href="#">LI-FD-2018-117</a> 10/26/2018 <a href="#">LI-DP-2018-079</a> 10/26/2018	Timothy McDonnell 3877			Implemented to become effective 06/01/2019. Commercial Lines filing submitted - Circular <a href="#">LI-CL-2018-038</a> . Personal Property and Specialty Program filings submitted - circulars <a href="#">LI-DP-2018-079</a> , et al and <a href="#">LI-MT-2018-094/LI-WT-2018-018</a> . Personal auto filing submitted - circular <a href="#">LI-PA-2018-247</a> .

## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
LA	Louisiana letter regarding Notice of Withdrawal of Approval of policy forms with respect to UM coverage under ISO's PA program which contain a Public or Livery Conveyance exclusion and the Department's position that such exclusions purporting to narrow or exclude statutorily mandated UM coverage for insured persons violates Louisiana law and public policy and are unenforceable under Louisiana Law.	MT		Pend	Form	<a href="#">LI-MT-2016-001</a> 01/06/2016	Stefanie Morisi 2676			Filed circular issued.
MA	2018 Mass. Acts 337 (former H.B. 4841) Section 9 provides, in part, that an operator shall maintain liability insurance of not less than \$1,000,000 to cover each short term rental and Insurers that write homeowners and renters insurance may exclude any and all coverage afforded under the policy issued to a homeowners or lessee for any claim resulting from the rental of any accommodation under chapter 64G.	DL DP HO	01/01/2019	No Imp			Nathaniel Brown 2796			No impact on ISO's program.



## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
#MD	The Maryland Insurance Commissioner has amended Regulations .04 and .05 under Md. Code Regs. 31.08.15. Underwriting Period to: 1. Make Section 31.08.15 applicable to all personal lines, commercial property, and commercial liability. However, this section does not apply to renewal business. 2. Revise Regulation .04. Discovery of Material Risk Factor During Underwriting Period to clarify the types of explanations required on notices to policyholders when business is issued with an increase or decrease in premiums. This subsection is also amended to remove reference to certificate of mailing and to provide that required notices may be sent via a first-class mail tracking method. 3. Revise Regulation .05. Notice of Recalculated Premium Form to provide explanations required on notices to insureds if there is discovery of material risk factor during the initial 45-day underwriting period. This notice may now be mailed via a first-class mail tracking method.	DL DP HO MT PIM WT	01/14/2019	<u>Done</u>	Form		Gregory Nduthu 2698		Unwtg	Approved to become effective 01/14/2019.
MI	PUBLIC ACT # 581 of the Laws of Michigan requires a consultant, when submitting 'No Further Action Reports' to the Department of Environmental Quality, to attach a certificate of insurance demonstrating that the consultant has obtained, among other things, a professional liability errors and omissions policy which MUST (previously "may") not exclude bodily injury, property damage, or claims arising out of pollution for environmental work and MUST (previously "shall") be issued with a limit of not less than \$1,000,000.00 per claim.	COMB	12/28/2018	No Imp			Nathaniel Brown 2796			No impact on ISO's program.

## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
MN	In <i>Poehler v. Cincinnati Insurance Company</i> , 899 N.W.2d 135 (2017), the Supreme Court of Minnesota examined Minnesota Statutes § 549.09 subd. 1(b) and concluded in part that, absent contractual language explicitly precluding preaward interest, an insured can recover preaward interest on an insurance appraisal award without the existence of an underlying breach of contract or actionable wrongdoing.	COMB DP HO		Review			David Geller 2780			Under Review.
MO	The Missouri Department of Insurance is concerned with how some insurers may be applying the phrase "applicable sales tax" when addressing payment of loss with respect to physical damage coverage in light of MO. REV. STAT. § 144.027 addressing, in part, sales tax credit.	MT		Pend	Form	<a href="#">LI-MT-2015-163</a> 10/26/2015	Stefanie Morisi 2676			Filing submitted on 11/18/2015. Implementation pending.
MO	2018 Mo. Laws ____ (Former S.B. 708), effective July 1, 2019, revises, in part, the minimum motor vehicle financial responsibility requirements from \$10,000 to \$25,000 "... because of injury to, or destruction of, property of others in any one accident."	MT	07/01/2019	Appvd	Form Loss Cost Rule	<a href="#">LI-MT-2018-112</a> 12/20/2018 <a href="#">LI-MT-2018-111</a> 12/20/2018 <a href="#">LI-MT-2018-110</a> 12/20/2018 <a href="#">LI-MT-2018-106</a> 11/30/2018 <a href="#">LI-MT-2018-105</a> 11/30/2018 <a href="#">LI-MT-2018-104</a> 11/30/2018 <a href="#">LI-MT-2018-068</a> 07/17/2018	Stefanie Morisi 2676		Other	Implemented to become effective 07/01/2019.

## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
#MS	<p>2018 Mississippi Laws ____ (Former S.B. 2465) expands mandatory windstorm mitigation premium discounts to any county located in the state of Mississippi. Based on previous legislation, enacted in 2012, windstorm mitigation credits were introduced for the following five (5) counties: Harrison, Hancock, Jackson, Stone, and Pearl.</p> <p>"Not later than July 1, 2019, insurance companies shall provide a premium discount or insurance rate reduction in an amount and manner as established in subsection (5) of this section and according to Section 83-75-5. In addition, insurance companies may also offer additional adjustments in deductible, other credit rate differentials, or a combination thereof, collectively referred to as adjustments. These adjustments shall be available under the terms specified in this section to any owner who builds or locates a new insurable property to resist loss due to tornado or other catastrophic windstorm events in any county located in the State of Mississippi."</p>	DP HO	07/01/2019	Appvd	Rate	<a href="#">LI-HO-2019-017</a> <a href="#">02/06/2019</a> <a href="#">LI-HO-2019-016</a> <a href="#">02/06/2019</a> <a href="#">LI-HO-2019-011</a> <a href="#">01/28/2019</a> <a href="#">LI-HO-2019-010</a> <a href="#">01/28/2019</a>	Daniel Holt 2557		Unwtg	Filing approved to become effective 07/01/2019.

## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
#MU	<p>Pub. L. 112-141, 126 Stat. 916 (2012), The Biggert-Waters Flood Insurance Reform Act of 2012 (the Act), amended, in part, the Federal flood insurance statutes to require federal agencies to issue a rule to direct a "regulated lending institution" as defined by the Act to accept "private flood insurance" as also defined by the Act to provide coverage for properties located in areas having special flood hazards.</p> <p>More recently, the United States Department of the Treasury and Office of the Comptroller of the Currency, in conjunction with other federal agencies, have issued 12 CFR Parts 22 and 172, entitled Loans in Areas Having Special Flood Hazards, which is scheduled to become effective July 1, 2019. This rule, in part, requires a "regulated lending institution" to accept policies that meet the definition of "private flood insurance" (mandatory acceptance) or provides such institutions with the discretion to accept policies which do not comply with the statutory and regulatory definition of "private flood insurance" but meet the conditions specified in the rule (discretionary acceptance).</p>	DP HO PIM	07/01/2019	Review	Form Rule	<a href="#">LI-HO-2019-020</a> 02/08/2019 <a href="#">LI-FD-2019-006</a> 02/08/2019 <a href="#">LI-DP-2019-013</a> 02/08/2019 <a href="#">LI-AL-2019-003</a> 02/08/2019 <a href="#">LI-PM-2012-098</a> 08/30/2012 <a href="#">LI-HO-2012-236</a> 08/30/2012 <a href="#">LI-DP-2012-125</a> 08/30/2012	Joseph Ameen 2589			Under Review.

## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
NY	<p>2018 NY SB 2746 revised Subsection (n) of section 2108 of the insurance law. to generally provide that independent adjusters given temporary permits by the superintendent of insurance to adjust property claims related to catastrophe losses shall utilize cost data that is appropriate for that region of the state.</p> <p>In addition, the law revised Section 2601 of the insurance law to generally add as unfair claims practices artificially deflating cost data used for adjusted claims or using cost data that is not appropriate for the region of the state where the loss occurred.</p>	COMB DP HO	12/21/2018	No Imp			Timothy McDonnell 3877			No impact on ISO's program.
*NY	The New York Department of Financial Services issued a Notice on 12/04/2018 advising that, unless otherwise noted, emergency Regulation Adoptions in NY will expire 90 days after being filed with Secretary of State.	ALL		No Imp			Raymond Bekeris			No impact on ISO's program.
OK	Former S.B. 1485, effective November 1, 2018, revises OKLA. STAT., tit. 36, Sect. 1250.7, in part, to require insurers to notify insureds, within 60 days after receipt of a properly executed proof of loss, of the acceptance or denial of a claim or if further investigation is necessary.	DP HO	11/01/2018	Prep	Form		Michael Hamilton 2720			We will be submitting a Personal Lines filing shortly to revise the Our Duties After Loss Conditions for the Special Provisions Oklahoma Dwelling Property and Homeowners forms only. There are no other lines of business affected.
PA	In Toner v. The Travelers Home and Marine Insurance Company, 137 A.3d 583 (2016), Superior Court of PA held that an insurer was not required to provide the Named Insured with a new waiver of stacking form when the Named Insured adds cars to a single vehicle policy.	MT		Review			Gregory Nduthu 2698			No changes at this time. ISO plans to continue to monitor for subsequent developments and further evaluate for future action.

## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
*PA	In circular <a href="#">LI-CA-2019-024/LI-MT-2019-007/LI-PA-2019-017</a> , we announced that: <ul style="list-style-type: none"> <li>- In Gallagher v. GEICO Indemn. Co., No. 35 WAP 2017, 2019 WL 290122, (Pa. Jan 23, 2019), generally pertaining to whether a "[household vehicle] exclusion impermissibly acts as a de facto waiver of stacked uninsured and underinsured motorist coverages", the Supreme Court of Pennsylvania held, in part, that "the household exclusion violates the MVFRL; therefore, these exclusions are unenforceable as a matter of law."</li> <li>- Based on our initial review of Gallagher v. GEICO, we anticipated revising the uninsured and underinsured (UM/UIM) coverage (stacked) endorsements under the Personal Auto, Motorcycle and Commercial Auto Programs.</li> <li>- We would advise you if we determined that we no longer plan to make the program revisions outlined above.</li> </ul>	MT		No Imp	Form	<a href="#">LI-MT-2019-016</a> 03/08/2019 <a href="#">LI-MT-2019-007</a> 02/01/2019	Stefanie Morisi 2676		Other	No impact on ISO's program.
PR	Puerto Rico Office of the Commissioner of Insurance Ruling Letter No.: CN-2016-206-AP dated 11/07/2016, advises insurers of the Commissioner of Insurance's position to "clarify the standard that governs arbitration clauses for all insurance policies issued in Puerto Rico."	WT		Review	Form Rule	<a href="#">LI-WT-2016-021</a> 12/21/2016	Stefanie Morisi 2676		Claims	Undergoing initial analysis. Under Review circular issued.

## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
RI	The Rhode Island Department of Business Regulation, Insurance Division, issued Insurance Bulletin 2019-1 concerning emergency procedures relating to claims arising from gas outages in Newport County, RI, which provides that, "[o]n January 21, 2019, Governor Raimondo declared a State of Emergency for Newport County, RI after more than 7100 National Grid customers lost gas service. Claims for damages against National Grid should be submitted directly to National Grid.... The [Rhode Island Insurance] Department encourages Rhode Island policyholders impacted by the gas outages to also contact their insurer or insurance agent to discuss insurance coverages that may be available." The Department offers guidance to licensees on claims handling, policy provisions including premium payments and vacancy provisions, and Underwriting which relates to the recent gas outages and restoration efforts underway in Newport County, RI. Questions on this bulletin may be sent to <a href="mailto:DBR.Insurance@dbr.ri.gov">DBR.Insurance@dbr.ri.gov</a> or by phone at 401-462-9520.	DP HO		No Imp	Non-ISO		Amanda Swiger 4326		Claims Term Unwtg	No impact on ISO's program.
TN	Martin v. Powers, 505 S.W.3d 512 (Tenn. 2016); the Tennessee Supreme Court found, when evaluating the term "self-insurer" under uninsured motorists' coverage, that the policy's failure to define "self-insurer" and its broad reference to "any applicable motor vehicle" rendered the provision both vague and indefinite and held that the provision at issue was ambiguous.	MT		Prep	Form	<a href="#">LI-MT-2017-019</a> 04/03/2017	Stefanie Morisi 2676			Filing under preparation.

## Personal Property and Specialty Programs Circular Summary

State	Item Description	LOB	Effective Date of Legislation	Status	Type	Circular Reference	Contact (201)469-xxxx	Support Forms	Rqmts	Comments
*VA	VA HB 1867 amends VA. Code. Ann. §§ 46.2-688, 706-08, 710 to make various changes including, but not limited to: allowing the Department of Motor Vehicles to withhold registration refunds if the applicant does not return license plates when prompted; increasing the noncompliance fee from \$500 to \$600 for in multiple areas; requiring insurance companies in VA to electronically give to the Department updates within 30 days of a policy change to vehicle insurance that satisfies financial responsibility requirements.	MT	07/01/2019	No Imp	Non-ISO		Morgan McKinlay 2239		Other	No impact on ISO's program.
WA	2018 Wash. Laws ____ (former H.B. 2322) adds new sections to WASH REV. CODE ANN. § 48.18 RCW and 48.19 RCW, in part, to state that the legislature finds that allowing property insurers to assist their insureds with risk mitigation and/or prevention goods and/or services could help prevent or reduce the severity of claims and losses. The legislature further finds that assisting insureds with risk mitigation and prevention and providing disaster or emergency response activities are both useful in preventing economic loss and should be exempt from the prohibition against inducements under WASH REV. CODE ANN. § 48.30.140 and 48.30.150. With the prior approval of the commissioner, a property insurer may include certain goods or services, or both, listed in this legislation, intended to reduce either the probability of loss, or the extent of loss, or both, from a covered event as part of a policy of property insurance.	HO	06/07/2018	Review			Michael Hamilton 2720		Other	Under Review.