

FORMS – APPROVED

JUNE 30, 2021

COMMERCIAL AUTOMOBILE

LI-CA-2021-241

## NEW YORK REVISED FOR HIRE AUTOS ENDORSEMENT FILED AND APPROVED

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### KEY MESSAGE

The New York Department of Financial Services has approved revisions to CA 01 02, New York Changes – For Hire Autos, filed under ISO filing designation [CA-2021-OHA1](#).

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### UPGRADE TO WORD AND EXCEL DOCUMENTS

As previously noted, ISO is implementing changes to our authoring and delivery systems so that **newly created** documents will be delivered in Office 365 .docx/.xlsx format to be phased in by product/service tentatively beginning in second quarter 2021. We are pleased to announce that you will soon be receiving **form** documents in .docx format delivered/accessed via Circulars, CLM, EFD, ERC, Filings, FIRST, Forms Library, PRM and Suite +. Changes continue for other document types to be phased in by product/service. Products impacted include, but are not limited to, documents delivered/accessed via Circulars, CLM, EFD, ERC, Filings, FIRST, Forms Library (including PolicyWriting Support Forms Instructional Supplement), PRM, Statistical Plans and Suite +.

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### BACKGROUND

In circular [LI-CA-2021-134](#), we announced that based on our initial review of 2021 N.Y. Laws 59 (former S.B. 2509), we anticipated revising CA 01 02, New York Changes – For Hire Autos.

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### ISO ACTION

In response to 2021 N.Y. Laws 59 (former S.B. 2509), we have:

- Revised CA 01 02 by adding the combined single limit of \$500,000 for commuter vans that are engaged in the business of carrying or transporting passengers for hire with a seating capacity of eight or more passengers.
- Filed these revisions with the New York Department of Financial Services under ISO filing designation [CA-2021-OHA1](#).

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### INSURANCE DEPARTMENT ACTION

The New York Department of Financial Services has approved filing [CA-2021-OHA1](#) as filed.

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### EFFECTIVE DATE

The ISO revision is subject to the following rule of application:

These changes are applicable to all policies written on or after December 1, 2021.

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## COMPANY ACTION

If you have authorized us to file on your behalf and decide:

- To use our revision and effective date, you are not required to file anything with the Insurance Department.
- To use our revision with a different effective date, to use our revision with modification, or to not use our revision, you must make an appropriate submission with the Insurance Department.

The New York Insurance Department has requested that we include the following statement in our circulars:

"However, application of your manual rules, including the conditions for the use of any ISO forms referenced in this revision, must comply with all applicable provisions of New York law, including the fair and consistent implementation of those forms and rules that you intend to be subject to your discretion. Therefore, a separate manual rule filing may be required."

For guidance on submission requirements, consult the ISO State Filing Handbook.

In all correspondence with the New York State Insurance Department on this revision, you should refer to the ISO Filing Number [CA-2021-OHA1](#) and the State File Number [R2021001937](#), NOT this circular number. Communications with the regulator concerning a filing affecting multiple lines of business (i.e., CL, PL, AL filing designation) should specify the line(s) of business that you are addressing.

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## RATING SOFTWARE IMPACT

New attributes being introduced with this revision:

- A new edition date of an existing form number is being introduced.

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## POLICYHOLDER NOTIFICATION

If you decide to implement this revision, you should check all applicable laws for the state(s) to which this revision applies, to determine whether or not a specific policyholder notice requirement may apply. Please note that circular [LI-CL-2021-004](#) contains the ISO Guide To Renewals With Changed Conditions For Commercial Lines, which is available only as a guide to assist participating companies in complying with various conditional renewal statutes or regulations, for the major commercial lines of insurance serviced by ISO. The information in the Guide does not necessarily reflect all requirements or exceptions that may apply, and it is not intended as a substitute for your review of all applicable statutes and regulations concerning policyholder notification.

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## REVISION DISTRIBUTION

We will issue a Notice to Portfolioholders with an edition date of 12-21 (or the earliest possible subsequent date), along with any new and/or revised forms.

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## REFERENCE(S)

- [LI-CA-2021-134](#) (05/17/2021) New York Former S.B. 2509 Regarding Commuter Vans Under Review
- [LI-CL-2021-004](#) (02/17/2021) Revised Lead Time Requirements Listing

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**ATTACHMENT(S)**

- Filing CA-2021-OHA1
  - Final copy of CA 01 02 12 21
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# Revision To New York For Hire Autos

## About This Filing

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This filing is being made in response to 2021 N.Y. Laws 59 (former S.B. 2509).

### Revised Form

We are revising the following form:

- ♦ CA 01 02 01 20 – New York Changes – For Hire Autos

We have used a format of ~~striking-through~~ deletions, underlining additions and inserting a revision bar in the left margin to indicate changes from the above-referenced editions to the 12 21 editions. Concurrent with implementation, the 12 21 editions will supersede the prior editions.

## Background

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Currently, CA 01 02 provides minimum/maximum liability limits for autos engaged in the business of transporting passengers for hire based upon the seating capacity of the vehicle.

2021 N.Y. Laws 59 (former S.B. 2509), effective April 19, 2021, amends, in part, section 370 paragraph 1. of the New York Vehicle and Traffic Laws as follows:

"For damages for and incident to death or injuries to persons and injury to or destruction of property: ... for each motor vehicle engaged in the business of carrying or transporting passengers for hire, having a seating capacity of not less than eight passengers, a bond or insurance policy with a combined single limit of at least one million five hundred thousand dollars for bodily injury or death to one or more persons, and because of injury to or destruction of property in any one accident; provided, further that for commuter vans that are engaged in the business of carrying or transporting passengers for hire, having a seating capacity of not less than eight passengers, a bond or insurance policy with a combined single limit of at least five hundred thousand dollars for bodily injury or death to one or more persons, and because of injury to or destruction of property in any one accident. For the purposes of this paragraph, the term "commuter van" shall have the same meaning as such term is defined in section 19-502 of the administrative code of the city of New York." (emphasis supplied)

## **Explanation of Changes**

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In response to 2021 N.Y. Laws 59 (Former S.B. 2509), we are revising CA 01 02 by adding the combined single limit of \$500,000 for commuter vans that are engaged in the business of carrying or transporting passengers for hire with a seating capacity of eight or more passengers.

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## **Important Note**

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**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **NEW YORK CHANGES – FOR HIRE AUTOS**

For a covered "auto" subject to the provisions of Section 370 of the New York Vehicle and Traffic Law that is licensed or principally garaged in New York, this endorsement modifies insurance provided under the following:

### **BUSINESS AUTO COVERAGE FORM**

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

The following is added to Paragraph **C. Limit Of Insurance** of **Section II – Covered Autos Liability Coverages**:

1. If the insurance provided by this Policy covers "autos" subject to the provisions of Section 370 of the New York Vehicle and Traffic Law, we will apply the limit shown in the Declarations to first provide the separate limits required by the New York Motor Vehicle Safety Responsibility Act as follows:
  - a. \$25,000 for "bodily injury" to any one person caused by any one "accident";
  - b. \$50,000 for "bodily injury" to two or more persons caused by any one "accident"; and
  - c. \$10,000 for "property damage" caused by any one "accident".
2. Our minimum liability for damages for and incident to death or injuries to persons is based upon the seating capacity for passengers of the covered "auto" described as set forth below:
  - a. For each "auto" engaged in the business of carrying or transporting passengers for hire having a seating capacity of not more than seven passengers:
    - (1) \$25,000 for a judgment or judgments for damages, including damages for care and loss of services, because of "bodily injury" to any one person in any one "accident".
    - (2) \$50,000 for a judgment or judgments for damages, including damages for care and loss of services because of "bodily injury" to two or more persons in any one "accident", upon claims arising out of the same transactions connected with the same subject of action, to be apportioned ratably among the judgment creditors according to the amount of the prospective judgments.
  - b. For each "auto" engaged in the business of carrying or transporting passengers for hire having a seating capacity of eight or more passengers, a combined single limit of at least \$1,500,000 for:
    - (1) "Bodily injury" or death to one or more persons caused by any one "accident"; and
    - (2) "Property damage" caused by any one "accident".
  - c. For commuter vans, as defined in Section 19-502 of the Administrative Code of the City of New York, that are engaged in the business of carrying or transporting passengers for hire, having a seating capacity of eight or more passengers, a combined single limit of at least \$500,000 for:
    - (1) "Bodily injury" or death to one or more persons caused by any one "accident"; and
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