

MARCH 16, 2022

Compliance Circulation Notification

Businessowners Viral or Bacterial Infections Exclusion

Circular Number

BP-2022-01

Effective Date

These changes are applicable to all policies effective on or after

September 1, 2022

WSRB Reference Filing Numbers

BP-2022-OEND1
BP-2022-ORU1

Got Questions?

WSRB Compliance Department
P.O. Box 1188
Renton, WA 98057-1188

206.273.7161

wsrbcompliance@wsrb.com

Changes

These filings introduce an optional Washington endorsement and rule exception to address liability arising out of viral or bacterial infections.

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.

In all correspondence with the Insurance Department regarding this revision, include the WSRB Reference Filing Number, not this Circular number.

Manual Distribution

Insurance Services Office, Inc. will print and distribute revised manual pages prior to the effective date. A complete copy of the filing is available on the WSRB website using the Compliance Filings Library. Circular notification is available by e-mail only.

Register to receive electronic notification at the Compliance Filings Library page inside the Members section at [wsrb.com](https://www.wsrb.com)

State: Washington **Filing Company:** Washington Surveying and Rating Bureau
TOI/Sub-TOI: 05.0 CMP Liability and Non-Liability/05.0002 Businessowners
Product Name: Washington Viral Or Bacterial Infection Exclusion Endorsement
Project Name/Number: Washington Viral Or Bacterial Infection Exclusion Endorsement/BP-2022-OEND1

Filing at a Glance

Company: Washington Surveying and Rating Bureau
Product Name: Washington Viral Or Bacterial Infection Exclusion Endorsement
State: Washington
TOI: 05.0 CMP Liability and Non-Liability
Sub-TOI: 05.0002 Businessowners
Filing Type: Form
Date Submitted: 03/07/2022
SERFF Tr Num: WSRB-133180993
SERFF Status: Closed-Approved
State Tr Num: 424745
State Status: Approved
Co Tr Num: BP-2022-OEND1
Co Status: Approved
Effective Date: 09/01/2022
Requested (New):
Effective Date
Requested (Renewal):
Author(s): Jim Antush, Karee Chung
Reviewer(s): Dennis Godwin (primary)
Disposition Date: 03/08/2022
Disposition Status: Approved
Effective Date (New): 09/01/2022
Effective Date (Renewal): 09/01/2022
Destruction Date:

State: Washington **Filing Company:** Washington Surveying and Rating Bureau
TOI/Sub-TOI: 05.0 CMP Liability and Non-Liability/05.0002 Businessowners
Product Name: Washington Viral Or Bacterial Infection Exclusion Endorsement
Project Name/Number: Washington Viral Or Bacterial Infection Exclusion Endorsement/BP-2022-OEND1

General Information

Project Name: Washington Viral Or Bacterial Infection Exclusion Endorsement
 Project Number: BP-2022-OEND1
 Reference Organization:
 Reference Title:
 Filing Status Changed: 03/08/2022
 State Status Changed: 03/08/2022
 Created By: Karee Chung
 Corresponding Filing Tracking Number: BP-2022-ORU1

Status of Filing in Domicile:
 Domicile Status Comments:
 Reference Number:
 Advisory Org. Circular:
 Company Status Changed: 03/09/2022
 Deemer Date:
 Submitted By: Karee Chung

Filing Description:

We are introducing an optional Washington endorsement to address liability arising out of viral or bacterial infections.

Company and Contact

Filing Contact Information

Jim Antush, VP, Compliance & Actuarial Services jim.antush@wsrb.com
 PO Box 1188 206-273-7161 [Phone]
 Renton, WA 98057-1188 206-217-9329 [FAX]

Filing Company Information

Washington Surveying and Rating Bureau	CoCode:	State of Domicile: Washington
PO Box 1188	Group Code:	Company Type: Rating
Renton, WA 98057-1188	Group Name:	Organization - Property
(206) 217-9772 ext. [Phone]	FEIN Number: 74-3049163	State ID Number: 1425

State: Washington
TOI/Sub-TOI: 05.0 CMP Liability and Non-Liability/05.0002 Businessowners
Product Name: Washington Viral Or Bacterial Infection Exclusion Endorsement
Project Name/Number: Washington Viral Or Bacterial Infection Exclusion Endorsement/BP-2022-OEND1
Filing Company: Washington Surveying and Rating Bureau

Form Schedule

Item No.	Schedule Item Status	Form Name	Form Number	Edition Date	Form Type	Form Action	Action Specific Data	Readability Score	Attachments
1	Approved 03/08/2022	Washington – Exclusion – Viral Or Bacterial Infections – Exception For Designated Infection, Ongoing Operations Or Products	BP1524	0722	END	New			BP 15 24 07 22_C.pdf

Form Type Legend:

ABE	Application/Binder/Enrollment	ADV	Advertising
BND	Bond	CER	Certificate
CNR	Canc/NonRen Notice	DEC	Declarations/Schedule
DSC	Disclosure/Notice	END	Endorsement/Amendment/Conditions
ERS	Election/Rejection/Supplemental Applications	OTH	Other

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**WASHINGTON – EXCLUSION – VIRAL OR BACTERIAL
INFECTIONS – EXCEPTION FOR DESIGNATED
INFECTION, ONGOING OPERATIONS OR PRODUCTS**

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

SCHEDULE

Description Of Infection:
Description Of Ongoing Operations Or Your Product:
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. The following is added to Paragraph B. Exclusions in Section II – Liability:

Viral Or Bacterial Infection

This insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of the actual or alleged transmission of any of the following:

1. A viral or bacterial infection that is transmitted through aerosol particles or respiratory droplets; or
2. A viral or bacterial infection that is transmitted through any individual or animal (including insects) by any means, other than through aerosol particles or respiratory droplets, including but not limited to viral or bacterial infections that are sexually transmitted.

However, this exclusion does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of any infection, ongoing operations or "your product" described in the Schedule of this endorsement.

B. Unless otherwise listed in the Schedule of this endorsement, Paragraph A. applies even if the claims against any insured allege negligence or other wrongdoing in the:

1. Supervising, hiring, employing, training or monitoring of others that may be infected with and spread the viral or bacterial infection;
2. Testing for the viral or bacterial infection;
3. Failure to prevent the spread of the viral or bacterial infection; or
4. Failure to report the viral or bacterial infection to authorities.

Washington Introduction Of Optional Viral Or Bacterial Exclusion Endorsement

About This Filing

We are introducing an optional Washington endorsement to address liability arising out of viral or bacterial infections.

New Forms

We are introducing the following forms:

- ◆ BP 15 24 07 22 – Washington – Exclusion – Viral Or Bacterial Infections – Exception For Designated Infection, Ongoing Operations Or Products

Related Filing(s)

- ◆ BP-2022-ORU1 (Rules)

Explanation of Changes

We are introducing optional endorsement BP 15 24 for use with the Businessowners Coverage Form.

Endorsement BP 15 24 – Washington – Exclusion – Viral Or Bacterial Infections – Exception For Designated Infection, Ongoing Operations Or Products:

- ◆ Generally excludes coverage for liability for bodily injury, property damage or personal and advertising injury arising out of the actual or alleged transmission of any of the following:
 - A viral or bacterial infection that is transmitted through aerosol particles or respiratory droplets; or
 - A viral or bacterial infection that is transmitted through any individual or animal (including insects) by any means, other than through aerosol particles or respiratory droplets, including but not limited to viral or bacterial infections that are sexually transmitted.
- ◆ This exclusion will apply even if there is a claim for negligence or other wrongdoing in the:

- Supervising, hiring, employing, training or monitoring of others that may be infected with and spread the viral or bacterial infection;
 - Testing for the viral or bacterial infection;
 - Failure to prevent the spread of the viral or bacterial infection; or
 - Failure to report the viral or bacterial infection to authorities.
- ◆ The exclusion will not apply to bodily injury, property damage or personal and advertising injury arising out of any infection, ongoing operations or named insured's product described in the schedule of this endorsement.

Impact

Attachment of this endorsement may result in a reduction of coverage to the extent that current policy exclusions do not apply to liability arising out of the actual or alleged transmission of:

- ◆ A viral or bacterial infection that is transmitted through aerosol particles or respiratory droplets; or
- ◆ A viral or bacterial infection that is transmitted through any individual or animal (including insects) by any means, other than through aerosol particles or respiratory droplets, including but not limited to viral or bacterial infections that are sexually transmitted.

Copyright Explanation

The material distributed by Insurance Services Office, Inc. is copyrighted. All rights reserved. Possession of these pages does not confer the right to print, reprint, publish, copy, sell, file or use same in any manner without the written permission of the copyright owner.

Important Note

Insurance Services Office, Inc. (ISO) makes available advisory services to property/casualty insurers. ISO has no adherence requirements. ISO policy forms and explanatory materials are intended solely for the information and use of ISO's participating insurers and their representatives, and insurance regulators. Neither ISO's general explanations of policy intent nor opinions expressed by ISO's staff necessarily reflect every insurer's view or control any insurer's determination of coverage for a specific claim. ISO does not intercede in coverage disputes arising from insurance policies. If there is any conflict between a form and any other part of the attached material, the provisions of the form apply.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**WASHINGTON – EXCLUSION – VIRAL OR BACTERIAL
INFECTIONS – EXCEPTION FOR DESIGNATED
INFECTION, ONGOING OPERATIONS OR PRODUCTS**

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

SCHEDULE

Description Of Infection:
Description Of Ongoing Operations Or Your Product:
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. The following is added to Paragraph B. Exclusions in Section II – Liability:

Viral Or Bacterial Infection

This insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of the actual or alleged transmission of any of the following:

1. A viral or bacterial infection that is transmitted through aerosol particles or respiratory droplets; or
2. A viral or bacterial infection that is transmitted through any individual or animal (including insects) by any means, other than through aerosol particles or respiratory droplets, including but not limited to viral or bacterial infections that are sexually transmitted.

However, this exclusion does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of any infection, ongoing operations or "your product" described in the Schedule of this endorsement.

B. Unless otherwise listed in the Schedule of this endorsement, Paragraph A. applies even if the claims against any insured allege negligence or other wrongdoing in the:

1. Supervising, hiring, employing, training or monitoring of others that may be infected with and spread the viral or bacterial infection;
2. Testing for the viral or bacterial infection;
3. Failure to prevent the spread of the viral or bacterial infection; or
4. Failure to report the viral or bacterial infection to authorities.

N
E
W