

FORMS – IMPLEMENTATION

MARCH 22, 2022

COMMERCIAL AUTOMOBILE

LI-CA-2022-078

WASHINGTON INTRODUCTION OF OPTIONAL VIRAL OR BACTERIAL EXCLUSION ENDORSEMENT FILED AND APPROVED

KEY MESSAGE

Forms filing CA-2022-OEND1 to be implemented for September 1, 2022.

ISO ACTION

We have introduced a new optional endorsement for use with the Auto Dealers Coverage Form.

CA 27 41 – Washington – Exclusion For General Liability Coverages – 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.

INSURANCE DEPARTMENT ACTION

The Washington Office of the Insurance Commissioner has approved this revision as filed.

EFFECTIVE DATE

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

These changes are applicable to all policies written on or after September 1, 2022.

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.

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

In all correspondence with the Insurance Department on this revision, you should refer to ISO Filing Designation Number [CA-2022-OEND1](#), 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.

RATING SOFTWARE IMPACT

New attributes being introduced with this revision:

- A new form is being introduced.

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-2022-006](#) 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.

REVISION DISTRIBUTION

We will issue a Notice to Portfolioholders with an edition date of 9-22 (or the earliest possible subsequent date), along with any new and/or revised forms.

RELATED RULES REVISION

We are announcing in a separate circular the approval of a corresponding rules revision. Please refer to the Reference(s) block for identification of that circular.

REFERENCE(S)

- [LI-CA-2022-079](#) (03/22/2022) Washington Viral Or Bacterial Infection Exclusion Related Rule Revision Filed And Approved
- [LI-CL-2022-006](#) (02/22/2022) Revised Lead Time Requirements Listing

ATTACHMENT(S)

- Filing [CA-2022-OEND1](#)
- Final copy of [CA 27 41 07 22](#)

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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:

- ◆ CA 27 41 07 22 – Washington – Exclusion For General Liability Coverages – Viral Or Bacterial Infections – Exception For Designated Infection, Ongoing Operations Or Products

Related Filing(s)

- ◆ CA-2022-ORU1 (Rules)

Explanation of Changes

We are introducing optional endorsement CA 27 41 for use with the Auto Dealers Coverage Form.

Endorsement CA 27 41 – Washington – Exclusion For General Liability Coverages – 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.

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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 FOR GENERAL LIABILITY
COVERAGES – VIRAL OR BACTERIAL
INFECTIONS – EXCEPTION FOR DESIGNATED
INFECTION, ONGOING OPERATIONS OR PRODUCTS**

This endorsement modifies insurance provided under the following:

AUTO DEALERS COVERAGE FORM

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

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 exclusion is added to Section II –
General Liability Coverages:**

This insurance does not apply to:

Viral Or Bacterial Infection

"Bodily injury", "property damage" or "personal and advertising injury" arising out of the actual or alleged transmission of any of the following:

- a. A viral or bacterial infection that is transmitted through aerosol particles or respiratory droplets; or
- b. 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.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

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

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

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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.