

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

Status of Filing in Domicile:

Project Number: BP-2022-OEND1

Domicile Status Comments:

Reference Organization:

Reference Number:

Reference Title:

Advisory Org. Circular:

Filing Status Changed: 03/08/2022

Company Status Changed: 03/09/2022

State Status Changed: 03/08/2022

Deemer Date:

Created By: Karee Chung

Submitted By: Karee Chung

Corresponding Filing Tracking Number: BP-2022-ORU1

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

Group Code:

Company Type: Rating

PO Box 1188

Group Name:

Organization - Property

Renton, WA 98057-1188

FEIN Number: 74-3049163

State ID Number: 1425

(206) 217-9772 ext. [Phone]

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		

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.

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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.