

FORMS – POLICYWRITING SUPPORT

FEBRUARY 23, 2022

GENERAL LIABILITY

LI-GL-2022-052

GENERAL LIABILITY TABLES OF CONTENTS AND NOTICE SECTION OF IMPORTANT PROVISIONS BEING FILED IN MONTANA

KEY MESSAGE

We are submitting filing GL-2022-OTOC1 in connection with the Advisory Notice Regarding Table of Contents and Notice Section of Important Provisions in Property and Casualty Policies issued on October 20, 2021, by the Montana Commissioner of Securities and Insurance (the "Advisory Notice").

BACKGROUND

In circulars [LI-AL-2022-002](#) and [LI-AL-2022-006](#), we announced, in part, that based on our initial review of the Advisory Notice, we anticipated introducing Policywriting Support Forms, including tables of contents and notice section of important provisions, for various ISO base coverage forms.

ISO ACTION

In connection with Mont. Code Ann. § 33-15-337 and the October 20, 2021, Advisory Notice, we are filing Policywriting Support Forms, including tables of contents and notice section of important provisions for various ISO General Liability coverage forms, with the Montana Commissioner of Securities and Insurance.

CAUTION

This filing has **not** yet been approved. You should **not** use these Policywriting Support Forms until we announce approval in a subsequent circular.

PROPOSED EFFECTIVE DATE

ISO does not establish an effective date for Policywriting Support Forms.

COMPANY ACTION

Insurers should conduct their own review of this Montana Advisory Notice and consult with their legal personnel to determine what impact, if any, this Advisory Notice may have on your respective forms and procedures.

In addition, ISO also does not file Policywriting Support Forms on behalf of our member and subscriber companies. You must independently determine whether to use this material and to establish an effective date. If you decide to use the referenced document(s), you must make an appropriate submission to the Insurance Department advising of your intention to use the document(s) and your effective date.

REFERENCE(S)

- [LI-AL-2022-006](#) (02/17/2022) Montana Advisory Notice Regarding Table Of Contents And Notice Section Of Important Provisions In Property And Casualty Policies Being Reviewed; Update Provided
- [LI-AL-2022-002](#) (01/10/2022) Montana Advisory Notice Regarding Table Of Contents And Notice Section Of Important Provisions In Property And Casualty Policies Being Reviewed
- [LI-AL-2003-016](#) (09/19/2003) ISO To Provide Policywriting Support Forms

ATTACHMENT(S)

Filing GL-2022-OTOC1

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Tables Of Contents And Notice Sections Of Important Provisions Introduced

About This Filing

We are introducing Tables Of Contents and Notice Sections Of Important Provisions for various Commercial General Liability Coverage Forms in response to the Advisory Notice Regarding Table of Contents and Notice Section of Important Provisions in Property and Casualty Policies issued on October 20, 2021 by the Montana Commissioner of Securities and Insurance.

New Forms

We are introducing the following forms for use in connection with the ISO program currently available for use in Montana:

- ◆ CG P 100 03 22 Notice Section Of Important Provisions Commercial Liability
- ◆ CG P 101 03 22 Notice Section Of Important Provisions Commercial Liability Claims-Made
- ◆ CG P 102 03 22 Notice Section Of Important Provisions Underground Storage Tank Policy Designated Tanks
- ◆ CG R 001 03 22 Commercial General Liability Coverage Form CG 00 01 04 13 Table Of Contents
- ◆ CG R 002 03 22 Commercial General Liability Coverage Form CG 00 02 04 13 Table Of Contents
- ◆ CG R 009 03 22 Owners And Contractors Protective Liability Coverage Form - Coverage For Operations Of Designated Contractor CG 00 09 04 13 Table Of Contents
- ◆ CG R 033 03 22 Liquor Liability Coverage Form CG 00 33 04 13 Table Of Contents
- ◆ CG R 034 03 22 Liquor Liability Coverage Form CG 00 34 04 13 Table Of Contents
- ◆ CG R 035 03 22 Railroad Protective Liability Coverage Form CG 00 35 04 13 Table Of Contents
- ◆ CG R 037 03 22 Products/Completed Operations Liability Coverage Form CG 00 37 04 13 Table Of Contents

- ◆ CG R 038 03 22 Products/Completed Operations Liability Coverage Form CG 00 38 04 13 Table Of Contents
- ◆ CG R 039 03 22 Pollution Liability Coverage Form Designated Sites CG 00 39 04 13 Table Of Contents
- ◆ CG R 040 03 22 Pollution Liability Limited Coverage Form Designated Sites CG 00 40 04 13 Table Of Contents
- ◆ CG R 042 03 22 Underground Storage Tank Policy Designated Tanks CG 00 42 04 13 Table Of Contents
- ◆ CG R 065 03 22 Electronic Data Liability Coverage Form CG 00 65 04 13 Table Of Contents
- ◆ CG R 066 03 22 Product Withdrawal Coverage Form CG 00 66 04 13 Table Of Contents

Background

On October 20, 2021, the Montana Commissioner of Securities and Insurance released an advisory notice ("Advisory Notice"), which, in part, "reminds insurers of certain requirements of the Property and Casualty Insurance Policy Language Simplification Act (the "Act"), Mont. Code Ann. §§ 33-15-333 through 33-15-340, and clarifies the current position of the Office of the Montana State Auditor, Commissioner of Securities and Insurance ("CSI") with respect to the Act."

In the Advisory Notice, the CSI, specifically citing Mont. Code Ann. § 33-15-337(2), "reminds insurers that all policies subject to the Act must include **both** a table of contents and a notice section of important provisions, and that CSI will review all forms submitted to it to ensure compliance with those requirements. CSI may disapprove or withdraw its prior approval of any form that fails to comply with those requirements." Additionally, the advisory notice states that "CSI intends to forgo any enforcement action, including but not limited to withdrawal of its prior approval of any noncompliant form, through March 31, 2022."

Explanation of Changes

In connection with Mont. Code Ann. § 33-15-337 and the October 20, 2021 Advisory Notice, we are introducing policywriting support forms, including Tables Of Contents for various Commercial General Liability Coverage Forms. We are also introducing the following Notice Sections Of Important Provisions:

- ◆ CG P 100, which generally describes certain important provisions with respect to commercial liability policies, when claims-made coverage is not included, and may be used with various ISO forms including:
 - Commercial General Liability Coverage Form CG 00 01

- Owners And Contractors Protective Liability Coverage Form - Coverage For Operations Of Designated Contractor CG 00 09
- Liquor Liability Coverage Form CG 00 33
- Railroad Protective Liability Coverage Form CG 00 35
- Products/Completed Operations Liability Coverage Form CG 00 37
- Product Withdrawal Coverage Form CG 00 66.
- ◆ CG P 101, which generally describes certain important provisions with respect to commercial liability policies, when claims-made coverage is included, and may be used with various ISO forms including:
 - Commercial General Liability Coverage Form CG 00 02
 - Liquor Liability Coverage Form CG 00 34
 - Products/Completed Operations Liability Coverage Form CG 00 38
 - Pollution Liability Coverage Form Designated Sites CG 00 39
 - Pollution Liability Limited Coverage Form Designated Sites CG 00 40
 - Electronic Data Liability Coverage Form CG 00 65.
- ◆ CG P 102, which generally describes certain important provisions with respect to the Underground Storage Tank Policy Designated Tanks CG 00 42.

Each of these Notice Sections Of Important Provisions contains a table in which other important provisions may be listed.

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a form and any other part of the attached material, the provisions of the form apply.

NOTICE SECTION OF IMPORTANT PROVISIONS – COMMERCIAL LIABILITY

This Notice highlights certain sections of your policy with important provisions and is only provided as guidance in helping you understand your policy. This Notice does not alter your coverage in any way. This Notice does not form part of your policy. No coverage is provided by this Notice nor can it be construed to replace any provision of your policy. You should read your policy and review your Declarations page for complete information on the coverages you are provided. If there is any conflict between the Policy and this Notice, **THE PROVISIONS OF THE POLICY SHALL PREVAIL.**

Carefully read your policy, including the endorsements attached to your policy.

The Declarations are usually the first page(s) of your policy and typically provide a snapshot of basic coverage information, including your specific coverage and limits of insurance.

This Policy contains insuring agreement(s) that generally describe what your policy may cover.

The Who Is An Insured Provision outlines who is covered under this Policy.

Exclusions, which generally describe what your insurance does not apply to, may vary by type of coverage. The Conditions section generally addresses various aspects relevant to coverage under your policy, including each party's rights and obligations.

The amount we will pay is limited, as described in the Limits Of Insurance Provision. Under the Supplementary Payments Provision, we cover certain costs and expenses that do not reduce your limit of insurance.

Words and phrases that appear in quotation marks have special meaning, as described in the Definitions section.

Endorsements may be attached that modify provisions contained elsewhere in the Policy. Refer to the Declarations for a list of forms and endorsements attached to this Policy.

Additional Important Provisions:

This Notice is just a summary of certain coverages and exclusions under your policy. **It is not an exhaustive list.** Each coverage is subject to the specific terms, conditions, exclusions, limits and deductibles set forth in your policy and the Declarations page, which is the page of your policy that provides a listing of the coverages and limits of those coverages that you have purchased. You should read your policy for complete information regarding your coverage. Should you have any questions regarding this Notice, your policy, its coverages or the limits of coverage, you should contact your insurance producer or agent or your insurance company directly to discuss your policy with them.

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NOTICE SECTION OF IMPORTANT PROVISIONS – COMMERCIAL LIABILITY CLAIMS-MADE

This Notice highlights certain sections of your policy with important provisions and is only provided as guidance in helping you understand your policy. This Notice does not alter your coverage in any way. This Notice does not form part of your policy. No coverage is provided by this Notice nor can it be construed to replace any provision of your policy. You should read your policy and review your Declarations page for complete information on the coverages you are provided. If there is any conflict between the Policy and this Notice, **THE PROVISIONS OF THE POLICY SHALL PREVAIL.**

Carefully read your policy, including the endorsements attached to your policy.

The Declarations are usually the first page(s) of your policy and typically provide a snapshot of basic coverage information, including your specific coverage and limits of insurance.

This Policy contains insuring agreement(s) that generally describe what your policy may cover. This Policy includes claims-made coverage, under which a claim for damages must first be made against an insured during the policy period or any Extended Reporting Period that is provided.

The Who Is An Insured Provision outlines who is covered under this Policy.

Exclusions, which generally describe what your insurance does not apply to, may vary by type of coverage. The Conditions section generally addresses various aspects relevant to coverage under your policy, including each party's rights and obligations.

The amount we will pay is limited, as described in the Limits Of Insurance Provision. Under the Supplementary Payments Provision, we cover certain costs and expenses that do not reduce your limit of insurance.

One or more Extended Reporting Periods may apply, as described in the Extended Reporting Periods section.

Words and phrases that appear in quotation marks have special meaning, as described in the Definitions section.

Endorsements may be attached that modify provisions contained elsewhere in the Policy. Refer to the Declarations for a list of forms and endorsements attached to this Policy.

Additional Important Provisions:

This Notice is just a summary of certain coverages and exclusions under your policy. **It is not an exhaustive list.** Each coverage is subject to the specific terms, conditions, exclusions, limits and deductibles set forth in your policy and the Declarations page, which is the page of your policy that provides a listing of the coverages and limits of those coverages that you have purchased. You should read your policy for complete information regarding your coverage. Should you have any questions regarding this Notice, your policy, its coverages or the limits of coverage, you should contact your insurance producer or agent or your insurance company directly to discuss your policy with them.

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NOTICE SECTION OF IMPORTANT PROVISIONS – UNDERGROUND STORAGE TANK POLICY DESIGNATED TANKS

This Notice highlights certain sections of your policy with important provisions and is only provided as guidance in helping you understand your policy. This Notice does not alter your coverage in any way. This Notice does not form part of your policy. No coverage is provided by this Notice nor can it be construed to replace any provision of your policy. You should read your policy and review your Declarations page for complete information on the coverages you are provided. If there is any conflict between the Policy and this Notice, **THE PROVISIONS OF THE POLICY SHALL PREVAIL.**

Carefully read your policy, including the endorsements attached to your policy.

The Declarations are usually the first page(s) of your policy and typically provide a snapshot of basic coverage information, including your specific coverage and limits of insurance.

This Policy contains insuring agreement(s) that generally describe what your policy may cover. Coverage A of this Policy includes claims-made coverage, under which a claim for damages must first be made against an insured during the policy period or any Extended Reporting Period that is provided. Coverage B of this Policy provides corrective action costs coverage on an incident-reported basis.

The Who Is An Insured Provision outlines who is covered under this Policy.

Exclusions, which generally describe what your insurance does not apply to, may vary by type of coverage. The Conditions section generally addresses various aspects relevant to coverage under your policy, including each party's rights and obligations.

The amount we will pay is limited, as described in the Limits Of Insurance And Defense Amount Provision. This Policy provides payments for defense expense which are limited under the provisions of Defense Expense Payments. Under the Supplementary Payments Provision, we cover certain costs and expenses that do not reduce your limit of insurance.

One or more Extended Reporting Periods may apply, as described in the Extended Reporting Periods section.

Words and phrases that appear in quotation marks have special meaning, as described in the Definitions section.

Endorsements may be attached that modify provisions contained elsewhere in the Policy. Refer to the Declarations for a list of forms and endorsements attached to this Policy.

Additional Important Provisions:

This Notice is just a summary of certain coverages and exclusions under your policy. **It is not an exhaustive list.** Each coverage is subject to the specific terms, conditions, exclusions, limits and deductibles set forth in your policy and the Declarations page, which is the page of your policy that provides a listing of the coverages and limits of those coverages that you have purchased. You should read your policy for complete information regarding your coverage. Should you have any questions regarding this Notice, your policy, its coverages or the limits of coverage, you should contact your insurance producer or agent or your insurance company directly to discuss your policy with them.

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