

FORMS – FILED AND APPROVED

AUGUST 24, 2022

COMMERCIAL LIABILITY UMBRELLA
FARM
GENERAL LIABILITY

LI-CU-2022-075
LI-FR-2022-023
LI-GL-2022-204

KENTUCKY AERIAL RECREATIONAL DEVICES AND FACILITIES ENDORSEMENTS ARE FILED AND APPROVED

KEY MESSAGE

Filing CL-2022-OAD1, which introduces various Kentucky Changes endorsements, has been filed and approved.

Applicable Lines of Business: CU, FR, GL

Effective Date: 4/1/2023

Filing ID: CL-2022-OAD1

BACKGROUND

KRS 247.238, in part, generally provides that the Kentucky Department of Agriculture shall promulgate administrative regulations related to the operation and regulation of aerial recreational devices and facilities. 302 KAR 17:010 Section 2. sets forth, in part, that:

(2) A person shall not operate an aerial recreational device or facility in the Commonwealth without having an insurance policy in place that ...

(d) Includes an express provision stating that the insurer shall not cancel the policy without providing thirty (30) days advance written notice to the [Kentucky Department Of Agriculture].

An "aerial recreation device" is defined, in part, by KRS 247.238(1)(b), and "aerial recreational facility" is defined in KRS 247.238(1)(c).

ISO ACTION

In response to 302 KAR 17:010, we have introduced various endorsements to provide that the insurer will provide the Kentucky Department of Agriculture 30 days advance written notice prior to the cancellation of the policy.

Refer to the attached explanatory material for complete details about the filing.

INSURANCE DEPARTMENT ACTION

The Kentucky Department of Insurance has approved this filing.

EFFECTIVE DATE

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

These changes are applicable to all policies written on or after April 1, 2023.

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 [CL-2022-OAD1](#), 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:

- New forms are 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 4-23 (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 implementation of a corresponding rules revision. Please refer to the Reference(s) block for identification of that circular.

REFERENCE(S)

- [LI-CU-2022-076](#) (08/24/2022) Kentucky Aerial Recreational Devices And Facilities Rules Revision To Be Implemented
- [LI-CL-2022-006](#) (02/22/2022) Revised Lead Time Requirements Listing

ATTACHMENT(S)

Filing CL-2022-OAD1

Final copies of [CG 23 10 03 23](#), [CU 26 31 03 23](#), [CX 26 29 03 23](#), [FB 02 24 03 23](#), [FE 02 47 03 23](#), [FL 02 02 03 23](#)

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CONTACT INFORMATION

If you have any questions concerning:

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- Other issues for this circular, please contact Customer Support:

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Kentucky Aerial Recreational Devices and Facilities Endorsements Introduced

Applicable Lines of Business

This filing applies to the following lines of business:

- ◆ Commercial General Liability
- ◆ Commercial Liability Umbrella
- ◆ Commercial Farm

About This Filing

This filing introduces Commercial Lines endorsements in response to 302 KAR 17:010 with respect to aerial recreational devices and facilities.

New Forms

We are introducing the following forms:

- ◆ CG 23 10 03 23 Kentucky Changes - Aerial Recreational Devices and Facilities - Notice of Cancellation
- ◆ CU 26 31 03 23 Kentucky Changes - Aerial Recreational Devices and Facilities - Notice of Cancellation
- ◆ CX 26 29 03 23 Kentucky Changes - Aerial Recreational Devices and Facilities - Notice of Cancellation
- ◆ FB 02 24 03 23 Kentucky Changes - Aerial Recreational Devices and Facilities - Notice of Cancellation
- ◆ FE 02 47 03 23 Kentucky Changes - Aerial Recreational Devices and Facilities - Notice of Cancellation
- ◆ FL 02 02 03 23 Kentucky Changes - Aerial Recreational Devices and Facilities - Notice of Cancellation

Background

KRS 247.238, in part, generally provides that the Kentucky Department of Agriculture shall promulgate administrative regulations related to the operation

and regulation of aerial recreational devices and facilities. 302 KAR 17:010 Section 2. sets forth, in part, that:

(2) A person shall not operate an aerial recreational device or facility in the Commonwealth without having an insurance policy in place that ...

(d) Includes an express provision stating that the insurer shall not cancel the policy without providing thirty (30) days advance written notice to the [Kentucky Department Of Agriculture].

An "aerial recreation device" is defined, in part, by KRS 247.238(1)(b) as "a device that provides for a unit of human activity, including but not limited to devices to simulate rock climbing, beams, bridges, cable traverses, climbing walls, nets, platforms, ropes, swings, towers, zip lines, or jump systems that are installed on or in trees, poles, portable structures, buildings, or that are part of a self-supporting structure. . ."

KRS 247.238(1)(c) defines "aerial recreational facility" as "a commercial or educational facility, including those offering canopy tours or zip line tours, consisting of one (1) or more aerial recreational devices".

Explanation of Changes

In response to 302 KAR 17:010, we are introducing the above-referenced endorsements to provide that the insurer will provide the Kentucky Department of Agriculture 30 days advance written notice prior to the cancellation of the policy.

Related Filing(s)

- ♦ CL-2022-OAD2 (Rules)

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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.

KENTUCKY CHANGES – AERIAL RECREATIONAL DEVICES AND FACILITIES – NOTICE OF CANCELLATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

The following provision is added to the **Cancellation**
Common Policy Condition:

We will provide the Kentucky Department of
Agriculture 30 days' advance written notice prior to
the cancellation of the Policy.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

KENTUCKY CHANGES – AERIAL RECREATIONAL DEVICES AND FACILITIES – NOTICE OF CANCELLATION

This endorsement modifies insurance provided under the following:

COMMERCIAL LIABILITY UMBRELLA COVERAGE PART

The following provision is added to the **Cancellation**
Common Policy Condition:

We will provide the Kentucky Department of
Agriculture 30 days' advance written notice prior to
the cancellation of the Policy.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**KENTUCKY CHANGES – AERIAL RECREATIONAL
DEVICES AND FACILITIES – NOTICE OF CANCELLATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL EXCESS LIABILITY COVERAGE PART

The following provision is added to Paragraph 5.
Cancellation of Section III – Conditions:

We will provide the Kentucky Department of
Agriculture 30 days' advance written notice prior to
the cancellation of the Policy.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

KENTUCKY CHANGES – AERIAL RECREATIONAL DEVICES AND FACILITIES – NOTICE OF CANCELLATION

This endorsement modifies insurance provided under the following:

FARM UMBRELLA LIABILITY POLICY

The following provision is added to the **Cancellation**
Common Policy Condition:

We will provide the Kentucky Department of
Agriculture 30 days' advance written notice prior to
the cancellation of the Policy.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

KENTUCKY CHANGES – AERIAL RECREATIONAL DEVICES AND FACILITIES – NOTICE OF CANCELLATION

This endorsement modifies insurance provided under the following:

FARM EXCESS LIABILITY POLICY

The following provision is added to Paragraph **15**.
Cancellation of Section III – Conditions:

We will provide the Kentucky Department of
Agriculture 30 days' advance written notice prior to
the cancellation of the Policy.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

KENTUCKY CHANGES – AERIAL RECREATIONAL DEVICES AND FACILITIES – NOTICE OF CANCELLATION

This endorsement modifies insurance provided under the following:

FARM LIABILITY COVERAGE FORM

The following provision is added to the **Cancellation**
Common Policy Condition:

We will provide the Kentucky Department of
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KENTUCKY CHANGES – AERIAL RECREATIONAL DEVICES AND FACILITIES – NOTICE OF CANCELLATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

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Common Policy Condition:

We will provide the Kentucky Department of
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KENTUCKY CHANGES – AERIAL RECREATIONAL DEVICES AND FACILITIES – NOTICE OF CANCELLATION

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