

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](#)

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. Permission is hereby granted to members, subscribers and service purchasers to reprint, copy or otherwise use the enclosed material for purposes of their own business use relating to that territory or line or kind of insurance, or subdivision thereof, for which they participate, provided that:

- (A) Where ISO copyrighted material is reprinted, copied, or otherwise used **as a whole**, it must reflect the copyright notice actually shown on such material.
- (B) Where ISO copyrighted material is reprinted, copied, or otherwise used **in part**, the following credit legend must appear at the bottom of each page so used:
Includes copyrighted material of Insurance Services Office, Inc., with its permission.

IMPORTANT NOTICE FOR USERS OF ISO PRODUCTS AND SERVICES

Please make sure that your company has authorized your use of this product and has complied with the requirements applicable in the jurisdiction where you plan to use it.

We distribute both state-specific and multistate products and services. We do not distribute all the multistate products and services for use in every jurisdiction due to corporate policy, regulatory preference, or variations or lack of clarity in state laws.

We provide participating insurers with information concerning the jurisdictions for which our products and services are distributed. Even in those jurisdictions, each insurer must determine what filing requirements, if any, apply and whether those requirements have been satisfied.

Now, as in the past, all of our products and services are advisory, and are made available for optional use by participating insurers as a matter of individual choice. Your company must decide for itself which, if any, ISO products or services are needed or useful to its operation and how those selected for use should be applied. We urge that you be guided by the advice of your attorneys on the legal requirements.

CONTACT INFORMATION

If you have any questions concerning:

- The content of this circular, please contact:
Lori P. Kennedy
Compliance & Product Services – Specialty/Liability
201-469-2813
liability@verisk.com
Lori.Kennedy@verisk.com

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

E-mail: info@verisk.com

Phone: 800-888-4476

Callers outside the United States, Canada, and the Caribbean may contact us using our global toll-free number (International Access Code + 800 48977489). For information on all ISO products, visit us at www.verisk.com/iso. To keep abreast of the latest Insurance Lines Services updates, view www.verisk.com/ils.

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)

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.

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.

N

E

W

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.

N

E

W

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.

N

E

W

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.

N

E

W

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.

N

E

W

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
Agriculture 30 days' advance written notice prior to
the cancellation of the Policy.

N

E

W

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.

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.

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.

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.

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.

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
Agriculture 30 days' advance written notice prior to
the cancellation of the Policy.