

FORMS – IMPLEMENTATION

OCTOBER 4, 2022

COMMERCIAL AUTOMOBILE

LI-CA-2022-233

## CONNECTICUT ABUSE OR MOLESTATION EXCLUSION FOR COVERED AUTOS LIABILITY EXPOSURE ENDORSEMENT FILED AND TO BE IMPLEMENTED

---

### KEY MESSAGE

Forms filing CA-2022-OAME1 filed and to be implemented in response to correspondence received from the Connecticut Insurance Department (Department).

---

### BACKGROUND

Multistate filing CA-2021-OAMFR, in part, introduced CA 28 03 – Abuse Or Molestation Exclusion For Covered Autos Liability Exposure, which generally excludes liability arising out of (1) the actual, alleged or threatened abuse or molestation, including but not limited to sexual abuse or sexual molestation, of any person committed by anyone, or (2) the negligent employment, investigation, supervision, reporting to the proper authorities, or failure to so report, or retention of a person for whom any insured is or ever was legally responsible and whose conduct would be otherwise excluded under the endorsement.

The Department has generally objected to item (2) above, the part of the exclusion related to negligent employment and the like, and expressed the position that it is not allowed "under our CT minimum provisions." The Department has referenced Conn. Agencies Regs. § 38a-334-5 (c) in its correspondence.

---

### ISO ACTION

In response to correspondence received from the Department, we introduced CA 28 05 – Connecticut Abuse Or Molestation Exclusion For Covered Autos Liability Exposure, which removes the second numbered paragraph of the exclusion, the paragraph related to negligent employment and the like, found in multistate endorsement CA 28 03 – Abuse Or Molestation Exclusion For Covered Autos Liability Exposure.

As a result, we withdrew multistate endorsement CA 28 03 – Abuse Or Molestation Exclusion For Covered Autos Liability Exposure, from use in Connecticut.

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

---

### INSURANCE DEPARTMENT ACTION

The Insurance Department has acknowledged this revision as filed.

---

### EFFECTIVE DATE

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

These changes are applicable to all policies effective on or after February 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 Number [CA-2022-OAME1](#) and SERFF Tracking Number [ISOF-133401265](#), 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 form is being withdrawn.
- 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 2-23 (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-CA-2022-234](#) (10/04/2022) Connecticut Exception To Rule 12. Forms Portfolio Reference Revision Filed And To Be Implemented
- [LI-CL-2022-006](#) (02/22/2022) Revised Lead Time Requirements Listing

---

## [ATTACHMENT\(S\)](#)

Filing [CA-2022-OAME1](#)

Final copy of [CA 28 05 02 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:  
Shawn Olivacce  
Compliance & Product Services – Liability  
201-469-2800  
[Shawn.Olivacce@verisk.com](mailto:Shawn.Olivacce@verisk.com)  
[liability@verisk.com](mailto:liability@verisk.com)

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

E-mail: [info@verisk.com](mailto: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](http://www.verisk.com/iso). To keep abreast of the latest Insurance Lines Services updates, view [www.verisk.com/ils](http://www.verisk.com/ils).

# Connecticut Abuse Or Molestation Exclusion For Covered Autos Liability Exposure Endorsement Introduced

## About This Filing

---

This filing introduces a Connecticut-specific version of the optional Abuse Or Molestation Exclusion For Covered Autos Liability Exposure Endorsement, and withdraws the multistate version, in response to correspondence received from the Connecticut Insurance Department (Department).

## New Forms

We are introducing the following form:

- ♦ CA 28 05 02 23 – Connecticut Abuse Or Molestation Exclusion For Covered Autos Liability Exposure

## Withdrawn Forms

We are withdrawing the following form from use in Connecticut:

- ♦ CA 28 03 09 22 – Abuse Or Molestation Exclusion For Covered Autos Liability Exposure

## Related Filing(s)

---

- ♦ CA-2022-OAME2 (Rules)

## Background

---

Multistate filing CA-2021-OAMFR, in part, introduced CA 28 03 – Abuse Or Molestation Exclusion For Covered Autos Liability Exposure, which generally excludes liability arising out of (1) the actual, alleged or threatened abuse or molestation, including but not limited to sexual abuse or sexual molestation, of any person committed by anyone, or (2) the negligent employment, investigation, supervision, reporting to the proper authorities, or failure to so report, or retention of a person for whom any insured is or ever was legally responsible and whose conduct would be otherwise excluded under the endorsement.

The Department has generally objected to item (2) above, the part of the exclusion related to negligent employment and the like, and expressed the position that it is not allowed “under our CT minimum provisions.” The Department has referenced Conn. Agencies Regs. § 38a-334-5 (c) in its correspondence.

## **Explanation of Changes**

---

In response to correspondence received from the Department, we are introducing CA 28 05 – Connecticut Abuse Or Molestation Exclusion For Covered Autos Liability Exposure which removes the second numbered paragraph of the exclusion, the paragraph related to negligent employment and the like, found in multistate endorsement CA 28 03 – Abuse Or Molestation Exclusion For Covered Autos Liability Exposure.

As a result, we are withdrawing multistate endorsement CA 28 03 – Abuse Or Molestation Exclusion For Covered Autos Liability Exposure from use in Connecticut.

## **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.**

## **CONNECTICUT ABUSE OR MOLESTATION EXCLUSION FOR COVERED AUTOS LIABILITY EXPOSURE**

This endorsement modifies insurance provided under the following:

AUTO DEALERS COVERAGE FORM  
BUSINESS AUTO COVERAGE FORM  
MOTOR CARRIER COVERAGE FORM

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

The following exclusion is added to **Covered Autos Liability Coverage**:

### **Abuse Or Molestation For Covered Autos Liability Exposure**

This insurance does not apply to damages arising out of the actual, alleged or threatened abuse or molestation, including but not limited to sexual abuse or sexual molestation, of any person committed by anyone.

N

E

W

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## ABUSE OR MOLESTATION EXCLUSION FOR COVERED AUTOS LIABILITY EXPOSURE

This endorsement modifies insurance provided under the following:

AUTO DEALERS COVERAGE FORM  
BUSINESS AUTO COVERAGE FORM  
MOTOR CARRIER COVERAGE FORM

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

The following exclusion is added to **Covered Autos Liability Coverage**:

### **Abuse Or Molestation For Covered Autos Liability Exposure**

This insurance does not apply to damages arising out of:

1. The actual, alleged or threatened abuse or molestation, including but not limited to sexual abuse or sexual molestation, of any person committed by anyone; or

2. The negligent:

- a. Employment;
  - b. Investigation;
  - c. Supervision;
  - d. Reporting to the proper authorities, or failure to so report; or
  - e. Retention;
- of a person for whom any "insured" is or ever was legally responsible and whose conduct would be excluded by Paragraph 1. above.

W  
I  
T  
H  
D  
R  
A  
W  
N



**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **CONNECTICUT ABUSE OR MOLESTATION EXCLUSION FOR COVERED AUTOS LIABILITY EXPOSURE**

This endorsement modifies insurance provided under the following:

AUTO DEALERS COVERAGE FORM  
BUSINESS AUTO COVERAGE FORM  
MOTOR CARRIER COVERAGE FORM

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

The following exclusion is added to **Covered Autos Liability Coverage**:

### **Abuse Or Molestation For Covered Autos Liability Exposure**

This insurance does not apply to damages arising out of the actual, alleged or threatened abuse or molestation, including but not limited to sexual abuse or sexual molestation, of any person committed by anyone.