

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](#)

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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.

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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.

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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.

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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.