

RULES – FILED/IMPLEMENTATION

JUNE 8, 2023

GENERAL LIABILITY

LI-GL-2023-129

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## GEORGIA GENERAL LIABILITY MULTISTATE RULES REVISIONS ADDRESSING ABUSE OR MOLESTATION LIABILITY SUPPLEMENT FILED AND TO BE IMPLEMENTED

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### KEY MESSAGE

We have filed and received acknowledgement of new and revised rules revisions in Georgia.

Filing ID: [GL-2021-RAMRU](#)

Effective Date: 12/1/2023

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### BACKGROUND

In circular:

- [LI-GL-2021-392](#), we announced the filing of multistate forms filing GL-2021-OAMFR, which introduced and withdrew optional multistate endorsements addressing abuse or molestation liability exposures for use with the Commercial General Liability (CGL) program.
- [LI-GL-2021-393](#), we announced the filing of multistate rules filing GL-2021-RAMRU, which introduced a new multistate Rule 41. and revised multistate Rule 36. in Division Six – General Liability of the Commercial Lines Manual (CLM) to reflect new and withdrawn endorsements submitted with companion forms filing GL-2021-OAMFR.
- [LI-GL-2022-018](#), we provided you with final copies of the multistate endorsements included in forms filing GL-2021-OAMFR.
- [LI-GL-2022-056](#), we furnished Advisory Sample Notices To Policyholders for use in conjunction with the implementation of the Commercial Umbrella Liability And General Liability Abuse or Molestation Liability Multistate forms revisions.

In subsequent circulars, which are listed in the attached multistate status report, we provided state supplements to the multistate forms and rules filings for certain jurisdictions.

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### ISO ACTION

In addition to the multistate material, we are providing the attached Georgia rules supplement to multistate filing GL-2021-RAMRU.

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

*For more information on the status of filings in a particular state, including filed and approved documents, associated circulars and links to Print Ready Manuals and Commercial Lines Manual, please feel free to access our [Filings](#) feature within the ISOnet Circulars product.*

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## INSURANCE DEPARTMENT ACTION

We have received all necessary approvals or acknowledgements, as required by state laws and regulations, from the insurance department in this jurisdiction.

**Note:** The announcement of implementation in a particular jurisdiction includes the implementation of the multistate filings and any state supplement and/or amendment filing.

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## EFFECTIVE DATE

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

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

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## 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 [GL-2021-RAMRU](#) and SERFF Tracking Number [ISOF-133529798](#), 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.

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## RATING SOFTWARE IMPACT

Refer to circular [LI-GL-2021-393](#) for impact of the multistate filing.

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## IMPACT ON STATISTICAL REPORTING

ISO has released the statistical reporting requirements in circular [SP-GL-2022-001](#), "General Liability Abuse And Molestation Coding Established," dated January 10, 2022, announcing revisions to the General Liability module for Abuse and Molestation Coding including new Classification Codes, Exposure Indicator Codes, and Type of Loss Codes in the Commercial Statistical Plans.

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## 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-2023-005](#) 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.

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## FUTURE ISO ACTION

In future circulars, we will:

- Inform you of implementation status of these filings in additional jurisdictions.
- Provide an updated multistate status report summarizing filing activity. For interim updates, please check the Insurance Lines Services web site ([www.verisk.com/ils](http://www.verisk.com/ils)). In addition to other information, this web site contains copies of major multistate filing status reports that are updated approximately every two weeks.

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## REVISION DISTRIBUTION

We will issue a Notice to Manualholders with an edition date of **12-23** (or the earliest possible subsequent date), along with any new and/or revised manual pages.

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## RELATED FORMS REVISION

We are announcing in a separate circular the filing and approval of a corresponding forms revision. Please refer to the Reference(s) block for identification of that circular.

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## REFERENCE(S)

- [LI-GL-2023-128](#) (06/08/2023) Georgia General Liability Multistate Optional Endorsements Addressing Abuse Or Molestation Liability Supplement Filed And Approved
- [LI-CL-2023-005](#) (02/21/2023) Commercial Lines Revised Lead Time Requirements Listing
- [LI-GL-2022-056](#) (03/04/2022) Advisory Sample Notices To Policyholders For Commercial Liability Umbrella And General Liability Abuse Or Molestation Multistate Forms Revisions Furnished
- [LI-GL-2022-018](#) (01/21/2022) General Liability Multistate Forms And Endorsements (Edition 09 22) Available
- [SP-GL-2022-001](#) (01/10/2022) General Liability Abuse And Molestation Coding Established
- [LI-GL-2021-393](#) (12/17/2021) General Liability Multistate Rules Revision Addressing Abuse Or Molestation Liability Being Filed
- [LI-GL-2021-392](#) (12/17/2021) General Liability Multistate Optional Endorsements Addressing Abuse Or Molestation Liability Being Filed

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## ATTACHMENT(S)

Georgia Supplement to Filing [GL-2021-RAMRU](#)  
Status Report

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# Georgia Supplement To The Multistate Rules Revision Addressing Abuse or Molestation Liability

## About This Filing

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This supplement addresses state-specific provisions to complement changes introduced in the multistate portion of this filing.

### New Rule

We are introducing the following rule:

- ◆ Rule 41. Abuse Or Molestation Endorsements

## Related Filing(s)

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- ◆ GL-2021-OAMFR (Forms)

## Background

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In the multistate section of this filing, we are introducing a new multistate Rule 41 and revising multistate Rule 36 in Division Six - General Liability of the Commercial Lines Manual (CLM) to reflect new and withdrawn endorsements submitted with companion forms filing GL-2021-OAMFR.

In response to the Georgia Office of Insurance and Safety Fire Commissioner, in corresponding supplement to GL-2021-OAMFR, we are introducing Georgia-specific endorsements in place of their multistate counterparts.

## Explanation of Changes

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We are introducing the following changes to rule exception(s) to complement the revisions in the multistate section of this filing:

### Rule 41. Abuse Or Molestation Endorsements

Paragraphs **B.2.** and **D.** are replaced to reference state-specific endorsements.

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#### **41. ABUSE OR MOLESTATION ENDORSEMENTS**

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Paragraph **B.2.** is replaced by the following:

##### **B. Endorsement Options**

##### **2. Sexual Abuse Or Sexual Molestation Coverage Options**

The optional endorsements described in Paragraph B.2. include a sexual abuse or sexual molestation exclusion applicable to Coverages A and B of the Commercial General Liability Coverage Form and provide certain related coverage under a separate insuring agreement with respect to injury caused by an act of sexual abuse or sexual molestation. The endorsements contemplate a Sexual Abuse Or Sexual Molestation Liability Each Act Limit and a Sexual Abuse Or Sexual Molestation Liability Aggregate Limit shown on the Schedule of the endorsement. The Sexual Abuse Or Sexual Molestation Liability Aggregate Limit is subject to the policy General Aggregate Limit. These endorsements contain a Schedule that contemplates entry of such limits; a Retroactive Date on claims-made versions; an Each Act Deductible; or coverage to be limited to specifically described premises, projects, contracts or agreements, as may be applicable. Refer to the coverage endorsements to determine content and specific coverage provided.

Do not attach more than one of the following endorsements to the same policy.

##### **a. Georgia Sexual Abuse Or Sexual Molestation Liability Coverage Endorsement CG 05 01**

This optional endorsement provides coverage with respect to liability for injury caused by the actual, alleged or threatened sexual abuse or sexual molestation of any person committed by anyone; or the negligent employment, investigation, supervision or retention of a person for whom the insured is or ever was legally responsible and whose conduct would constitute sexual abuse or sexual molestation as described in the endorsement.

Coverage applies with respect to injury caused by an act of sexual abuse or sexual molestation or interrelated acts committed during the policy period.

##### **b. Georgia Sexual Abuse Or Sexual Molestation Liability Coverage Endorsement CG 05 03**

This optional endorsement provides coverage with respect to liability for injury caused by the actual, alleged or threatened sexual abuse or sexual molestation of any person committed by anyone; or the negligent employment, investigation, supervision or retention of a person for whom the insured is or ever was legally responsible and whose conduct would constitute sexual abuse or sexual molestation as described in the endorsement.

This endorsement provides coverage on a claims-made basis. Coverage applies with respect to injury caused by an act of sexual abuse or sexual molestation or interrelated acts committed on or after the Retroactive Date, if any, shown in the Schedule of the endorsement, but not after the end of the policy period.

##### **c. Georgia Sexual Abuse Or Sexual Molestation Of Any Person Committed By The Insured Liability Coverage Endorsement CG 05 02**

This optional endorsement provides coverage with respect to liability for injury caused by the actual, alleged or threatened sexual abuse or sexual molestation of any person committed by the insured; or the negligent employment, investigation, supervision or retention of a person for whom the insured is or ever was legally responsible and whose conduct would constitute sexual abuse or sexual molestation as described in the endorsement.

Coverage applies with respect to injury caused by an act of sexual abuse or sexual molestation or interrelated acts committed during the policy period.

##### **d. Georgia Sexual Abuse Or Sexual Molestation Of Any Person Committed By The Insured Liability Coverage Endorsement CG 05 04**

This optional endorsement provides coverage with respect to liability for injury caused by the actual, alleged or threatened sexual abuse or sexual molestation of any person committed by the insured; or the negligent employment, investigation, supervision or retention of a person for whom the insured is or ever was legally responsible and whose conduct would constitute sexual abuse or sexual molestation as described in the endorsement.

This endorsement provides coverage on a claims-made basis. Coverage applies with respect to injury caused by an act of sexual abuse or sexual molestation or interrelated acts committed on or after the Retroactive Date, if any, shown in the Schedule of the endorsement, but not after the end of the policy period.

Paragraph **D.** is replaced by the following:

## **D. Special Rules Applicable To The Claims-made Coverage Endorsements**

### **1. Retroactive Date**

#### **a. Explanation**

The Retroactive Date is a specific date entered on the Schedule of either Endorsement CG 05 03 or CG 05 04 and may be any date preceding or equal to the effective date of the policy. Any injury caused by an act of sexual abuse or sexual molestation or interrelated acts which was committed prior to the Retroactive Date is not covered, even if a claim for such injury is first made during the policy period or any applicable Extended Reporting Period.

If "none" is entered on the Schedule of either Endorsement CG 05 03 or CG 05 04, there is no Retroactive Date. If there is no Retroactive Date, coverage may be afforded for injury caused by an act of sexual abuse or sexual molestation or interrelated acts which was committed prior to the inception date of the endorsement.

#### **b. Restrictions On Advancing The Retroactive Date**

Once a Retroactive Date is established for an insured, it can only be advanced with the written consent of the first Named Insured, and then only under the following circumstances:

- (1) If there is a change in carrier;
- (2) If there is a substantial change in the insured's operations which results in an increased exposure to loss;
- (3) If the insured fails to provide the company with information:
  - (a) The insured knew, or should have known, about the nature of the risk insured, which would have been material to the insurer's acceptance of the risk; or
  - (b) Which was requested by the company; or
- (4) At the request of the insured.

Prior to the advancement of the Retroactive Date under any of the preceding conditions, the company must obtain the written acknowledgment of the first Named Insured, acknowledging that the first Named Insured has been advised of the right to purchase the Supplemental Extended Reporting Period Endorsement.

### **2. Description Of Extended Reporting Periods**

When coverage provided under either Endorsement CG 05 03 or CG 05 04 is canceled or nonrenewed, or renewed or replaced with insurance that has a later Retroactive Date or that is not claims-made, Paragraph H. Extended Reporting Periods Section of the endorsement provides one or more extended reporting periods as described in Paragraphs D.3. and D.4. of Rule 41.

Extended reporting periods do not extend the policy period. They apply only to claims for injury caused by an act of sexual abuse or sexual molestation committed before the end of the policy period, but not before the applicable Retroactive Date.

### **3. Basic Extended Reporting Period**

Endorsements CG 05 03 and CG 05 04 provide a Basic Extended Reporting Period at no additional charge. The period begins with the end of the policy period and lasts for 60 days.

The Basic Extended Reporting Period does not apply to claims that are covered under subsequent insurance purchased or to claims that would be covered but for the exhaustion of the amount of insurance applicable to such claims.

The Basic Extended Reporting Period does not reinstate or increase the limits under the coverage provided by the endorsement.

### **4. Georgia Supplemental Extended Reporting Period Endorsement For Sexual Abuse Or Sexual Molestation Liability Coverage CG 27 61**

- a. This optional endorsement provides a Supplemental Extended Reporting Period of five years for an additional charge. The Named Insured must request this endorsement in writing within 60 days after the end of the policy period or the date of termination of the policy or the endorsement, whichever comes first. This endorsement contains a Schedule that contemplates entry of the additional premium for the Supplemental Extended Reporting Period.

The Supplemental Extended Reporting Period starts 60 days after the end of the policy period when the Basic Extended Reporting Period ends. It applies only to claims first received and recorded during the Supplemental Extended Reporting Period which are caused by an act of sexual abuse or sexual molestation or interrelated acts.

- b. Rating: Refer to company for rating the Supplemental Extended Reporting Period Endorsement. However, the premium to be charged for the Supplemental Extended Reporting Period Endorsement shall not exceed 2.00 times the annual premium for Endorsement CG 05 03 or CG 05 04.

c. If the Supplemental Extended Reporting Period is in effect, a Supplemental Extended Reporting Period Aggregate Limit will be provided but only for claims first received and reported during the Supplemental Extended Reporting Period.

The Supplemental Extended Reporting Period Aggregate Limit will be equal to the dollar amount shown as the Sexual Abuse Or Sexual Molestation Liability Aggregate Limit in the Schedule of Endorsement **CG 05 03** or **CG 05 04**.

**Status of General Liability Multistate Filings  
Forms (GL-2021-OAMFR) and Rules (GL-2021-RAMRU)**

STATE	EFFECTIVE OR DISTRIBUTION DATE	STATE-SPECIFIC FILING/SUPPLEMENT/AMENDMENT CIRCULAR		IMPLEMENTATION CIRCULAR
		FORMS	RULES	
ALABAMA	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
ALASKA	5/1/2023	**	**	<a href="#">LI-GL-2022-293</a>
ARIZONA	9/1/2022	**	**	<a href="#">LI-GL-2022-047</a>
ARKANSAS	9/1/2022	<a href="#">LI-GL-2022-039</a>	<a href="#">LI-GL-2022-040</a>	<a href="#">LI-GL-2022-057</a>
CALIFORNIA	2/1/2023	**	**	<a href="#">LI-GL-2022-249</a>
COLORADO	9/1/2022	<a href="#">LI-GL-2022-004</a>	<a href="#">LI-GL-2022-005</a>	<a href="#">LI-GL-2022-017</a>
CONNECTICUT	9/1/2022	<a href="#">LI-GL-2022-045</a>	<a href="#">LI-GL-2022-046</a>	<a href="#">LI-GL-2022-084</a>
DELAWARE	12/1/2022	**	**	<a href="#">LI-GL-2022-165</a>
DIST. OF COLUMBIA	9/1/2022	**	**	<a href="#">LI-GL-2022-084</a>
FLORIDA	11/1/2023	**	**	<a href="#">LI-GL-2023-109</a>
<b>GEORGIA</b>	<b>12/1/2023</b>	<a href="#">LI-GL-2023-128</a>	<a href="#">LI-GL-2023-129</a>	<a href="#">LI-GL-2023-128 / LI-GL-2023-129</a>
GUAM*	9/1/2022	**		<a href="#">LI-GL-2022-047</a>
HAWAII	BUREAU			
IDAHO	9/1/2022	**	**	<a href="#">LI-GL-2022-104</a>
ILLINOIS	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
INDIANA	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
IOWA	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
KANSAS	12/1/2022	**	**	<a href="#">LI-GL-2022-165</a>
KENTUCKY	2/1/2023	**	**	<a href="#">LI-GL-2022-165</a>
LOUISIANA	5/1/2023	<a href="#">LI-GL-2022-260</a>	<a href="#">LI-GL-2022-261</a>	<a href="#">LI-GL-2022-316</a>
MAINE	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
MARYLAND	9/1/2022	**	**	<a href="#">LI-GL-2022-084</a>
MASSACHUSETTS	9/1/2022	**	**	<a href="#">LI-GL-2022-047</a>
MICHIGAN	9/1/2022	<a href="#">LI-GL-2022-041</a>	<a href="#">LI-GL-2022-042</a>	<a href="#">LI-GL-2022-057</a>
MINNESOTA	9/1/2022	<a href="#">LI-GL-2022-037</a>	<a href="#">LI-GL-2022-038</a>	<a href="#">LI-GL-2022-057</a>
MISSISSIPPI	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
MISSOURI	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
MONTANA	9/1/2022	<a href="#">LI-GL-2022-006</a>	<a href="#">LI-GL-2022-007</a>	<a href="#">LI-GL-2022-047</a>
NEBRASKA	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
NEVADA	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
NEW HAMPSHIRE	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
NEW JERSEY	9/1/2022	**	**	<a href="#">LI-GL-2022-104</a>
NEW MEXICO	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
<b>NEW YORK</b>		<a href="#">LI-GL-2023-040</a>	<a href="#">LI-GL-2023-041</a>	
NORTH CAROLINA	9/1/2022	<a href="#">LI-GL-2022-048</a>	<a href="#">LI-GL-2022-049</a>	<a href="#">LI-GL-2022-057</a>
NORTH DAKOTA	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
OHIO	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
OKLAHOMA	9/1/2022	**	**	<a href="#">LI-GL-2022-047</a>
OREGON	9/1/2022	**	**	<a href="#">LI-GL-2022-104</a>
PENNSYLVANIA	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
PUERTO RICO				
RHODE ISLAND	1/1/2023	<a href="#">LI-GL-2022-135</a>	<a href="#">LI-GL-2022-136</a>	<a href="#">LI-GL-2022-235</a>
SOUTH CAROLINA	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
SOUTH DAKOTA	9/1/2022	<a href="#">LI-GL-2022-002</a>	<a href="#">LI-GL-2022-003</a>	<a href="#">LI-GL-2022-017</a>
TENNESSEE	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
TEXAS	4-23	<a href="#">LI-GL-2022-195</a>	<a href="#">LI-GL-2022-196</a>	<a href="#">LI-GL-2022-316</a>
U.S. VIRGIN ISLANDS*				
UTAH	9/1/2022	<a href="#">LI-GL-2022-030</a>	<a href="#">LI-GL-2022-031</a>	<a href="#">LI-GL-2022-057</a>
VERMONT	2/1/2023	<a href="#">LI-GL-2022-155</a>	<a href="#">LI-GL-2022-156</a>	<a href="#">LI-GL-2022-219</a>
VIRGINIA	4/1/2023	<a href="#">LI-GL-2022-252</a>	<a href="#">LI-GL-2022-253</a>	<a href="#">LI-GL-2022-316</a>
WASHINGTON	4/1/2023	<a href="#">LI-GL-2022-126</a>	<a href="#">LI-GL-2022-127</a>	<a href="#">LI-GL-2022-310</a>
WEST VIRGINIA	9/1/2022	**	**	<a href="#">LI-GL-2022-017</a>
WISCONSIN	9/1/2022	**	**	<a href="#">LI-GL-2022-047</a>
WYOMING	2/1/2023	<a href="#">LI-GL-2022-133</a>	<a href="#">LI-GL-2022-134</a>	<a href="#">LI-GL-2022-219</a>

**BOLD indicates changes.**

\* ISO has no jurisdiction for rules/loss costs.

\*\* There is no state supplement.

(A) Filing(s) amended.

**Multistate Filed Circulars:****Forms:** [LI-GL-2021-392](#)**Rules:** [LI-GL-2021-393](#)