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ADDITIONAL INFORMATION

TO MEMBERS OF THE COMMERCIAL AUTOMOBILE COMMITTEE

FOR THE MEETING OF:

Wednesday, January 10, 2024, at 10:00 a.m.

CAC

23.06 Implementation of Commercial Policy Coverage and Endorsement Forms

Staff is recommending the addition of a new appendix to the Commercial Automobile Insurance Manual to list the policy coverage and endorsement forms on file for the residual market, including the associated rule references. The appendix is intended to replace the listing currently contained in the Manual of Administrative Procedures. In addition to reviewing draft amendments to Section V – Public Transportation and Section VI – Garage Dealers of the Commercial Automobile Insurance Manual, the Committee should consider adoption of the draft appendix. (Docket #CAC23.06, Exhibit #5)

WENDY BROWNE
Vice President – Business Operations

Attachment

Boston, Massachusetts
January 4, 2024

Commercial Automobile Committee

Policy Forms and Endorsements

Summary of Changes

The schedule of forms on file for use in the residual market will be removed from Chapter V – Premium of the Manual of Administrative Procedures and instead included as Appendix 1 in the Commercial Automobile Manual. The schedule is re-formatted to list the policy forms and endorsements by the section in which they appear in the Manual, rather than by the vehicle type. Changes listed below identify whether the forms/endorsements are new, or are existing forms for which reference is either added to the Manual, moved to a different section, or removed because they are recommended for withdrawal.

Coverage Forms -

- Business Auto and Auto Dealers Coverage Form and DEC pages – added
- Interline Forms – added
- MA Mandatory Endorsements – added
- Motor Carrier Endorsement - added
- Massachusetts Changes Endorsement – added
- Personal Injury Protection Coverage - added
- Exclusion of Terrorism Above Minimum Statutory Limits – new
- Premium Adjustment and Coverages Endorsement - moved
- Truckers Coverage Form – withdrawn
- Truckers Declarations – withdrawn
- MA Truckers Declarations – withdrawn

Common Coverage Endorsements

- Abuse or Molestation Exclusion for Covered Autos Liability Exposure – new (applicable to all risks)
- Additional Insured – Owner of Leased Vehicles – moved (applicable to all risks)
- Coverage for Injury to Leased Workers – moved (applicable to all risks)
- Exclusion of Terrorism Above Minimum Statutory Limits – new
- Hired Autos Specified as Covered Autos You Own - withdrawn
- Liability Insurance – Deductible – withdrawn
- Lessor – Additional Insured and Loss Payee MA – moved
- Non-Ownership Liability Coverage for Volunteers – moved
- Other Than Covered Autos Exposure – Total Pollution Exclusion with a Building Heating Equipment Exception and a Hostile Fire Exception – moved to be included with other pollution related endorsements
- Partners or Members As Insureds - new
- Pollution Liability – Broadened Coverage for Covered Autos – Auto Dealer Form MA – moved
- Social Services Agencies – Volunteers as Insureds – withdrawn
- Sound Receiving Equipment – Fire, Police, and Emergency Vehicles - moved
- Volunteer Hired Autos - new

Truck, Tractor, Trailer Endorsements

- Motor Carrier Endorsement - added
- Excess Coverage for the Named Insured and name Lessors for Leased Autos – withdrawn
- Truckers – Named Lessee as Insured - withdrawn

Private Passenger Types – No changes

Public Transportation – No changes

Auto Dealers Endorsements

- Additional Insured – Lessor of Leased Equipment - withdrawn
- Auto Dealers Coverage Form and Auto Dealers MA Mandatory Endorsement - added
- Cannabis Exclusion for General Liability Coverages – new
- Covered Auto Designation Symbol – moved
- Exclusion – Acts, Errors, or Omissions Liability Coverages – new
- Exclusion – Cross Suits Liability for General Liability Coverages – new
- Exclusion – Damage to Rented Premises – new
- Exclusion – Locations and Operations Medical Payments - new
- Exclusion – Personal and Advertising Injury Liability Coverages – new
- Franchised Products Endorsement - withdrawn
- Garagekeepers Coverage – moved
- Garagekeepers Coverage – Customer’s Sound Receiving Equipment – moved
- Garage Locations and Operations Medical Payments Coverage – withdrawn
- On-Hook Coverage – new
- Physical Damage Coverage – Autos Held for Sale by Non-Dealers - added
- Unmanned Aircraft Exclusion for General Liability Coverages – new

Special Types Endorsements

- Leasing or Rental Concerns – Contingent Coverage – withdrawn
- Leasing or Rental Concerns – Second Level Coverage – withdrawn
- Specialty and Classic Auto – moved

Forms pending updates

- CA 23 30 Motor Carrier Endorsement
- MM 99 68 - Premium Adjustment and Coverage Endorsement
- CA 28 03 – Abuse or Molestation Exclusion
- CR 99 02 - Additional Insured - MA
- MM 99 20 – Rate Modification – MA
- CR99 05 – Vehicle Sharing Program Exclusion Endorsement
- CR 99 04 – Public or Livery Passenger Conveyance and On-Demand Delivery Services

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Section I – General Rules		
Coverage Forms		
Title	Form Number	Rule Reference
Auto Dealers Coverage Form	CA 00 25 11 20	3.B
Auto Dealers Declaration MA	MM 25 02 11 20	3.B
Business Auto Coverage Form	CA 00 01 11 20	3.B
Business Auto Declarations ⁽¹⁾	CA DS 03 11 20	3.B
MA Business Auto Declarations	MM 00 97 11 20	3.B
Interline Forms		
Title	Form Number	Rule Reference
Common Policy Conditions	IL 00 17 11 98	3.B
Nuclear Energy Liability Exclusion	IL 00 21 09 08	3.B
Endorsements		
Title	Form Number	Rule Reference
Auto Dealers MA Mandatory Endorsement	MM 25 01 10 13	3.B
MA Mandatory Endorsement	MM 99 11 10 13	3.B
Massachusetts Changes Endorsement ⁽¹⁾	MM 99 67 10 13	3.B
Personal Injury Protection Coverage – MA ⁽¹⁾	MM 99 35 04 11	3.B
Motor Carrier Endorsement	CA 23 30 ## ##	3.B
Exclusion of Terrorism Above Minimum Statutory Limits	CA 23 86 10 13	3.B
Premium adjustment and Coverage Endorsement	MM 99 68 ## ##	7
⁽¹⁾ For use with risks not subject to the Compulsory Automobile Insurance Law		

Section II – Common Coverage Endorsements		
Title	Form Number	Rule Reference
Abuse or Molestation Exclusion for Covered Autos Liability Exposure	CA 28 03 ## ##	Add new rule
Additional Insured – Massachusetts	CR 99 02 ## ##	37
Additional Insured – Owner of Leased Vehicle	MM 20 25 10 13	28.A.1.b
Agreed Value Insurance	MM 99 66 10 13	42.E.3
Audio, Visual and Data Electronic Equipment Coverage	CA 99 60 10 13	45.D
Coverage for Injury to Leased Workers	CA 23 25 10 13	Add new rule
Drive Other Car Coverage – Broadened Coverage for Named Individuals	MM 99 22 10 13	26.B
Employees as Insureds	CA 99 33 10 13	27.B.4.a
Employee as Lessor	CA 99 47 10 13	28.A.3

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Section II – Common Coverage Endorsements (cont'd)		
Title	Form Number	Rule Reference
Exclusion of Terrorism Above Minimum Statutory Limits	CA 23 86 10 13	50
Fire, Fire and Theft, Fire, Theft and Windstorm, and Limited Specified Causes of Loss Coverages	MM 99 47 10 13	none
Glass Breakage - \$100 Deductible	MM 99 51 10 13	none
Individual Name Insured	CA 99 17 10 13	26.A.1, 34.A.3
Lessor – Additional Insured and Loss Payee – MA	MM 20 26 11 20	28.A.1.b
Limited Collision Coverage	MM 99 16 10 13	none
Loss of Use/Rental Reimbursement	MM 99 39 10 13	33.B
Loss Payable Clause – Audio, Visual, and Data Electronics Equipment	CA 99 61 10 13	none
MA Mandatory Endorsement	MM 99 11 10 13	46.A
Non-Ownership Liability Coverage for Volunteers	CA 05 24 11 20	27.B.4.b
Operator Exclusion	CR 99 01 08 18	31
Other Than Covered Autos Exposure – Total Pollution Exclusion with a Building Heating Equipment Exception and a Hostile Fire Exception	CA 25 36 10 13	To be added to 46.B
Partners or Members as Insured	CA 05 25 11 20	27.B.4.b
Pollution Liability – Broadened Coverage for Covered Autos	MM 99 55 10 13	46.B
Pollution Liability – Broadened Coverage for Covered Autos -Auto Dealers Form – Massachusetts	MM 25 96 10 13	46.B
Public or Livery Passenger Conveyance and On-Demand Delivery Services Exclusion	CA 23 45 11 20	44
Rate Modification – Massachusetts	MM 99 23 ## ##	none
Restriction of PIP for Employees Subject to the Massachusetts Workers Compensation Act	MM 99 20 10 13	39
Sound Receiving Equipment Coverage – Fire, Police, and Emergency Vehicles	CA 20 02 10 13	45.B
Split Liability Limits – Massachusetts	MM 99 18 10 13	none
Stated Amount Insurance – Massachusetts	MM 99 56 10 13	42.D.2.d
Underinsured Motorists Coverage – Massachusetts	MM 99 54 10 13	36
Uninsured Motorists Coverage – Massachusetts	MM 99 28 10 13	35
Volunteer Hired Autos	CA 04 39 11 20	28.B.3
Vehicle Sharing Program Exclusion Endorsement	CR 99 05 ## ##	43
Waiver of Deductible	MM 99 17 10 13	42.B

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Section III – Trucks, Tractors, and Trailers Endorsements		
Title	Form Number	Rule Reference
Commercial Automobiles Equipped with Amusement Devices	MM 23 03 10 13	52.E.3
Explosives	MM 23 04 10 13	52.E.4
Motor Carrier Endorsement	CA 23 30 ## ##	55.D
Motor Carriers – Insurance for Non-Trucking Use	MM 23 07 10 13	55.C
Multi-Purpose Equipment	CA 23 03 10 13	none
Rolling Stores	CA 23 04 10 13	52.E.5, 52.E.6.d
Trailer Interchange – Fire and Fire and Theft Coverage	CA 23 13 12 93	55.D
Truckers – Uniform Intermodal Interchange Endorsement (UIIE-1)	CA 23 17 11 20	55.D.2
Wrong Delivery of Liquid Products	CA 23 05 10 13	52.E.2

Section V – Public Transportation Endorsements		
Title	Form Number	Rule Reference
Public Transportation Autos	CA 24 02 10 13	71
Public or Livery Passenger Conveyance and On-Demand Delivery Services – Other Insurance Condition	CR 99 04 ## ##	75

Section VI – Auto Dealers Endorsements		
Title	Form Number	Rule Reference
Additional Insured – Municipalities	MM 25 98 10 13	90.B
Auto Dealers Coverage Form	CA 00 25 11 20	86.A
Auto Dealers MA Mandatory Endorsement	MM 25 01 10 13	86.A
Automobile Dealers – “Drive-Away” Collision or Limited Collision	CA 25 02 10 13	105
Automobile Medical Payments Coverage Endorsement	MM 99 13 12 16	89.B
Cannabis Exclusion for General Liability Coverage	CA 27 12 12 19	91.B
Covered Auto Designation Symbol	CA 99 54 10 13	86.B
Exclusion – Acts, Errors, or Omissions Liability Coverage	CA 25 63 10 13	91.E
Exclusion – Cross Suits Liability for General Liability Coverage	CA 27 16 11 20	91.D
Exclusion – Damage to Rented Premises	CA 25 50 10 13	91.G
Exclusion – Locations and Operations Medical Payments	CA 25 52 10 13	89.A
Exclusion – Personal and Advertising Injury Liability Coverage	CA 25 54 10 13	91.5
False Pretense Coverage	CA 23 03 10 13	103
Garagekeepers Coverage	CA 99 37 10 13	95.A

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Section VI – Auto Dealers Endorsements (cont’d)		
Title	Form Number	Rule Reference
Garagekeepers Coverage – Customer’s Sound Receiving Equipment	CA 99 59 10 13	97.A
Locations and Operations Not Covered	CA 25 07 10 13	91.A
Named Driver Collision Coverage	CA 25 11 10 13	104.C
On-Hook Coverage	CA 04 52 11 20	95.B
Physical Damage Coverage – Autos Held for Sale by Non-Dealers	MM 20 27 10 06	98.B.3
Unmanned Aircraft Exclusion for General Liability Coverages (BI & PD)	CA 27 06 11 20	91.C

Section VII – Special Types and Operations Endorsements		
Title	Form Number	Rule Reference
Additional Insured – Owner of Leased Vehicle	MM 20 25 10 13	120.B.1, 120.B.2
Driving Schools – Non-Owned Auto	CA 20 06 11 20	116.B.1
Emergency Services – Volunteer Firefighters’ and Workers’ Injury Excluded	CA 20 30 10 13	112.A, 117.A.2, 119.A.2
Farm Tractors and Farm Tractors Equipment	CA 20 08 10 13	125.B
Guest Occupants Exclusion – Massachusetts	MM 20 06 10 13	122.D
Leasing or Rental Concerns – Conversion, Embezzlement, or Secretion	CA 20 10 10 13	120.D.1, 120.D.2
Leasing or Rental Concerns – Exclusion or Certain Leased Autos	CA 20 11 10 13	120.E
Leasing or Rental Concerns – Rent it There/Leave it Here Autos	CA 20 12 10 13	120.C.2.b
Leasing or Rental Concerns – Schedule of Limits for Owned Autos	CA 20 13 10 13	120.F
Lessor – Additional Insured and Loss Payee	MM 20 26 11 20	120.B.2, 120.B.3
Mobile Equipment	MM 20 11 11 20	125.A.2.g
Mobile Homes Contents Not Covered	CA 20 17 10 13	121.D
Physical Damage Coverage – Autos Held for Sale by Non-Dealers	MM 20 27 10 06	124.F.2.b
Professional Services Not Covered	CA 20 18 10 13	112, 117, 118, 119
Registration Plates Not Insured for a Specific Auto	MM 20 10 10 13	123.A.2, 124.A
Specialty and Classic Auto – Massachusetts	CR 99 03 04 21	126.B