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ADDITIONAL INFORMATION

TO MEMBERS OF THE COMMERCIAL AUTOMOBILE COMMITTEE

FOR THE MEETING OF:

Thursday, May 23, 2024, at 10:30 a.m.

CAC

23.04 Eligibility of Peer-to-Peer Vehicle Sharing Programs

Attached is a summary of the results of the industry survey relating to the approach companies are currently taking in the voluntary market with respect to risks engaged in peer-to-peer vehicle sharing. (Docket #CAC23.04, Exhibit #9)

CAC

24.04 On Hook Towing Coverage

Attached is a document citing relevant excerpts from the on-hook coverage endorsement CA 04 52 11 20 and a draft manual rule describing eligibility for coverage addressing comments from the Committee at its last meeting. (Docket #CAC24.04, Exhibit #1)

TIMOTHY GALLIGAN
Actuarial Statistical Services Director

Attachments

Boston, Massachusetts
May 17, 2024

Commonwealth Automobile Reinsurers
Commercial Automobile Committee
Peer-to-Peer Vehicle Sharing
Summary – Survey

A total of 62 surveys were sent out to member companies/groups actively writing in either the commercial or private passenger markets.

- 19 responses were received as of May 16, 2024 (May 17 was the requested due date)
 - 3 companies/groups write in just the private passenger market
 - 6 companies/groups write in just the commercial market
 - 10 companies/groups write in both markets

- 13 companies/groups do not provide any coverage under any circumstance
- 4 companies/groups in the private passenger market exclude coverage for vehicle sharing but provide coverage when the vehicle is engaged for personal use
- All the 17 companies in the two prior bullets do not have any intention of writing this coverage in the immediate future (defined as the upcoming 18 months)
- The majority of the 17 companies actively exclude this coverage in either one or both markets
- 1 company/group that writes in both markets provides no coverage in the private passenger market but offers an endorsement that provides coverage for peer-to-peer vehicle sharing in the commercial market
- 1 company/group that writes in both markets provides coverage for personal use only in the private passenger market and offers an endorsement that provides coverage for peer-to-peer vehicle sharing in the commercial market

Commercial Automobile Committee

On-Hook Towing Coverage

On-hook towing coverage is for insureds who do not have garage or service locations, or who have a towing operation not associated with their own garage operations, and covers a “customer’s auto” or “customer’s auto” equipment left in the insured’s care as part of the insured’s “towing operations”.

Who is insured:

1. You,
2. Your partners and their spouses, if you are a partnership, but only with respect to the conduct of your “towing operations,”
3. Your members, if you are a limited liability company, but only with respect to the conduct of your “towing operations”. Your managers are also “insureds”, but only with respect to their duties as your managers.
4. Your “executive officers” and directors, if you are an organization other than a partnership or limited liability company, but only with respect to their duties as your officers or directors. Your stockholders are also “insureds”, but only with respect to their liability as stockholders.
5. Your “employees”, other than either your “executive officers” (if you are an organization other than a partnership or limited liability company) or your managers (if you are a limited liability company), but only for acts within the scope of employment by you or while performing their duties related to the conduct of your “towing operations”.

“Towing operation” means the attending, servicing or repairing of the “customer’s autos” at place of disablement, and includes transporting the “customer’s autos” from the place of disablement until their delivery by the “insured”.

CAR’s proposed update to the rule in the Auto Dealers Garagekeepers section:

- B. To provide coverage for damage to, or loss of, a customer’s auto or customer’s auto equipment left in the insured’s care as part of the insured’s towing operation, use On-hook Coverage Endorsement CA 04 52. Do not attach when Garagekeepers’ Insurance is provided under the Business Auto Form unless insured’s towing operations include transporting between locations other than insured’s specified locations. On-hook coverage is for insureds who do not have garage or service locations, or who have a towing operation not associated with their own garage operations and is not engaged in Auto Hauling or Trucking operations. Use the garagekeepers’ legal liability coverage premium and apply 5% to the Comprehensive rate and 90% to the Collision rate.