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ADDITIONAL INFORMATION

TO MEMBERS OF THE COMMERCIAL AUTOMOBILE COMMITTEE

FOR THE MEETING OF:

Wednesday February 17, 2021 at 10:30 a.m.

CAC

19.08 Radius of Operations and Rating Territory

Attached for the Committee's review is an overview of staff's analysis of the validation requirements for principal garaging and principal operation included in the Standards for Determining and Validating Radius Class and Geographic Classification. Also included are recommended modifications to Chapter X – Servicing Carrier and Exclusive Representative Producer Standards and Forms of CAR's Manual of Administrative Procedures. (Docket #CAC19.08, Exhibit #5)

Additionally, Chapter X of the Manual of Administrative Procedures has been updated to reflect changes made to the Non-Fleet Private Passenger Type Certification Form recently placed on file, which captures information for operators with foreign driver licenses. (Docket #CAC19.08, Exhibit #6)

CAC

20.05 Transportation Network Services Coverage (TNC)

Attached for the Committee's review is a status update on staff's effort to implement the TNC recommendations from the Committee's October 23, 2020 meeting, including draft TNC endorsement forms and draft rule changes to the Commercial Automobile Insurance Manual. (Docket #CAC20.05, Exhibit #3)

WENDY BROWNE
Vice President – Business Operations

Attachments

Boston, Massachusetts
February 11, 2021

Staff Recommendations

By nature, most of the noted risks only operate on a local radius, and thus the volume of potential incorrect classifications found through any validation efforts would be extremely low. Accordingly, staff recommends the following:

As volume is low and exposures are primarily in the local radius category (or no radius designation exists for the class), it is recommended that, at the discretion of the Servicing Carrier, the following classifications be excluded from the documentation requirements set forth in the standards to substantiate radius and geographic class:

- Farmers
- Church Buses
- Van Pools

Although the exposure/premium volume for the following classifications is more substantial, the majority of exposures/premium (98%) is in the local radius category. It is therefore recommended that the following classifications also be excluded, at the discretion of the Servicing Carrier, from the documentation requirements substantiating radius and geographic class required by the standards.

- Contractors
- School Buses

The Standards for Determining and Validating Radius Class and Geographic Classification of Trucks, Tractors and Trailers and Public Automobiles, as modified, would apply to the remainder of the Publics classifications that are identified in Section III – Trucks, Tractors and Trailers and Section V – Public Transportation of the CM Auto Rating Manual, including:

- TTTs (minus Contractor and Farmer risks)
- Other Buses
- Taxi, Limo and Car Service

Proposed Manual Updates

Staff is proposing the attached updates to the Standards for Determining and Validating Radius Class and Geographic Classification of Trucks, Tractors and Trailers and Public Automobiles as contained in Chapter X – Servicing Carrier and Exclusive Representative Producer Standards and Forms of CAR's Manual of Administrative Procedures. Language has been added to Section C. of the Chapter to indicate that Servicing Carriers may exercise discretion in evaluating and determining radius and geographic classification.

A CAR industry Bulletin will be published to announce any approved modifications to the Manual of Administrative Procedures.

Exhibit 1

Exposure and Liability Premium
for Contractors, Farmers, School/Church Buses and Van Pools

Contractors					
Classification	Radius	Exp (Yrs)	BI Premium	PD Premium	Comment
###810	Local	8,224	8,716,166	6,759,593	
###820	Intermediate	141	224,652	152,022	
###830	Long Distance	4	9,498	5,908	
###840					
###850					
###890					
070700	N/A	104	206,375	95,241	No Radius Designation
Total		8,473	9,156,691	7,012,764	96% Local Radius

Farmers					
Classification	Radius	Exp (Yrs)	BI Premium	PD Premium	Comment
###610	All	19	12,223	8,120	All Local Radius
###620	All	8	4,361	2,742	All Local Radius
###630	All	50	42,284	27,370	Almost All Local
795300	N/A	197	169,656	108,409	No Radius Designation
Total		274	228,524	146,641	100% Local Radius

School Buses					
Classification	Radius	Exp (Yrs)	BI Premium	PD Premium	Comment
615/618-00	Local	91	189,217	78,086	
616/619-00	Intermediate	1	2,484	760	
617/610-00	Long Distance	0	0	0	
625/628-00	Local	3,240	3,690,092	1,727,376	
626/629-00	Intermediate	15	38,642	24,465	
627/620-00	Long Distance	7	18,056	12,459	
Total		3,354	3,938,491	1,843,146	98% Local Radius

Church Buses					
Classification	Radius	Exp (Yrs)	BI Premium	PD Premium	Comment
635/638-00	Local	205	279,802	146,680	
636/639-00	Intermediate	5	7,718	4,052	
637/630-00	Long Distance	0	0	0	
Total		210	287,520	150,732	97% Local Radius

Van Pools					
Classification	Radius	Exp (Yrs)	BI Premium	PD Premium	Comment
411###	N/A	123	329,290	100,856	No Radius Designation
412###	N/A	29	102,372	30,540	No Radius Designation
Total		152	431,662	131,396	

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C. Standards for Determining and Validating Radius Class and Geographic Classification of Trucks, Tractors and Trailers and Public Automobiles

To properly classify trucks, tractors and trailers and public automobiles, CAR’s Commercial Automobile Insurance Manual directs that principal garaging and principal operation are factors used to determine radius and geographic classification as follows:

	<u>Principal Garaging</u>	<u>Principal Operation</u>
Radius Classification	TTTs and Publics	TTTs and Publics
Zone Combination	Zone Rated TTTs and Publics	Zone Rated TTTs and Publics
Rating Territory	Non-Zone Rated TTTs	Non-Zone Rated Publics

Pursuant to Rule 20 – How to Classify Automobiles of CAR’s Commercial Automobile Insurance Manual, upon request of the Servicing Carrier, the applicant shall be required to substantiate with permanent records that the automobile is being used as set forth in the application or renewal questionnaire.

Servicing Carriers and Exclusive Representative Producers (ERPs) will validate an automobile’s principal place of garaging and principal geographic area of operation to determine radius and geographic classification as follows:

1. Determining and Validating Principal Garaging

Principal garaging is the location at which the automobile is garaged the majority of the time that the automobile is not in regular use. Servicing Carriers and ERPs may use, but are not limited to, the following tools to verify principal garaging:

- a. Google Maps
- b. Registry of Motor Vehicles
- c. Secretary of the Commonwealth Corporations Division website
- d. The risk’s website
- e. Federal Motor Carrier Services Administration (FMCSA) website

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In the event that inconsistencies are identified during the course of the underwriting and/or SIU review, the applicant must provide credible documentation, such as lease agreements or property owner certification, to validate garaging as represented on the application.

2. Determining and Validating Principal Operation

To properly classify Trucks, Tractors and Trailers and public automobiles, Servicing Carriers and ERPs shall take advantage of, but not be limited to, the following options to validate an automobile's principal geographic area of operation:

- a. Form IFTA-101 – IFTA Quarterly Fuel Use Tax Schedule
- b. Individual Vehicle Mileage Reports
- c. Trip Logs
- d. Central Analysis Bureau (CAB) reports
- e. Safety and Fitness Electronic Records (SAFER)
- f. SafeStat Systems
- g. Executed service provider contracts

Based on the documentation indicating automobile operations furnished by the applicant, rating territory for the local and intermediate radius public classes will be determined using the rating territories as defined in CAR's Commercial Automobile Insurance Manual with common rate relativities.

In particular, the Boston territory is defined by the combined territories 1-10, which are combined for rating purposes, while identified in the manual individually for statistical purposes.

3. Determining Radius and Geographic Class in the Absence of Credible Verifiable Documentation

The Servicing Carrier may also request the risk and/or ERP to provide additional information to validate garaging and/or operations. An SIU investigation may also be requested. As part of the underwriting process and/or SIU investigation, the risk's principal/owner will be required to corroborate information collected by the writing ERP.

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In instances where an applicant is unable to provide credible permanent records to validate an automobile’s principal garaging, the Servicing Carrier will determine radius and geographic class as follows:

	<u>Default</u>
Radius Class	Intermediate Radius
Zone Combination	N/A
Rating Territory	Assign Rating Territory 10

However, if the risk has been in operation for more than one year and provides credible documentation to validate a different radius class and/or geographic classification during the policy term, apply the rating change prospectively from the date the documentation is provided.

If the risk has been in operation for less than one year and provides credible documentation to validate a different radius class and/or geographic classification at least 90 days prior to policy expiration, apply the rating change as of the effective date of the policy. However, if the documentation is provided within 90 days of the policy’s expiration date, the rating change would be applied as of the effective date of the renewal policy.

4. Exceptions

Businesses engaged in certain operations have inherent difficulty in securing documentation to substantiate an automobile’s radius and/or geographic classification. Such operations include farmers, contractors, van pools, and school and church buses. For these vehicles, Servicing Carriers may use their discretion to evaluate and determine radius and geographic classification.

4.5. Principal Garaging and Operation Audits

Pursuant to Rule 10 – Claims of CAR’s Rules of Operation, Servicing Carriers are required to conduct audits on representative samples of policies to verify garaging and policy facts.

However, market conditions may warrant increased awareness and focus on specific classifications of business due to suspected fraud, increased loss experience, or other negative impacts on the commercial automobile residual market during the Servicing Carrier contract period. If such occasions occur, the specific classifications will be identified, through CAR’s committee process, for mandatory Servicing Carrier SIU investigations involving principal garaging and operations.

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The industry will be notified, via a CAR Bulletin, of the specific classifications for which enhanced focus on validating the eligibility of principal garaging and operation is required.

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CR 00 02 ~~08 01 18 21~~

NON-FLEET PRIVATE PASSENGER TYPE (NF-PPT) CERTIFICATION FORM

TO BE CERTIFIED BY ALL NF-PPT APPLICANTS PRIOR TO PLACEMENT IN THE COMMERCIAL AUTOMOBILE INSURANCE RESIDUAL MARKET (CAR)

NAME OF BUSINESS: _____

DESCRIPTION OF BUSINESS: _____

Submit a copy of *at least one* or, at the request of the Servicing Carrier, more of the following documentation with the application:

1. Contract for services with a customer relative to the listed business entity/operation
2. Tax filing information for the business (Schedule C if filing an individual return)
3. Workers Compensation Insurance Policy
4. General Liability Insurance Policy
5. If prior insurance coverage, copy of declarations page
6. Copies of leases and utility bills

If documents are not available, please explain: _____

VEHICLE USAGE:

How are vehicles used in your business? _____

VEHICLE OPERATORS:

Number of employees: Full Time: _____ Part Time: _____

ALL EMPLOYEES, FAMILY MEMBERS AND ANY OTHERS WHO HAVE PERMISSION TO DRIVE ONE OR MORE OF THE VEHICLES MUST BE LISTED ON, OR INCLUDED WITH THE APPLICATION FOR INSURANCE (A LICENSE NUMBER, STATE OR COUNTRY OF ISSUANCE MUST BE INCLUDED FOR EACH).

***FOR ANY OPERATOR LISTED ON THE APPLICATION WITH A VALID LICENSE FROM A COUNTRY OR TERRITORY APPROVED BY THE MASSACHUSETTS RMV, THE ~~FOLLOWING~~ THE EXPIRATION DATE OF THE FOREIGN DRIVER'S LICENSE MUST ALSO BE COMPLETED:**

1.) OPERATOR NAME: _____

LICENSE #: _____ STATE/COUNTRY: _____

~~DATE OF ARRIVAL IN THE U.S.:~~

~~*EXPIRATION DATE OF FOREIGN DRIVER'S LICENSE:~~ _____

2.) OPERATOR NAME: _____

LICENSE #: _____ STATE/COUNTRY: _____

~~DATE OF ARRIVAL IN THE U.S.:~~

~~*EXPIRATION DATE OF FOREIGN DRIVER'S LICENSE:~~ _____

For additional operators that meet this criteria, attach information listing the above information

(ed.01-21)

EXHIBIT X-B-1
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NON-FLEET PRIVATE PASSENGER TYPE (NF-PPT) CERTIFICATION FORM

OWNER(S) NOT LISTED AS AN OPERATOR(S) OR NOT LICENSED

If the owner(s) of the business does not have a valid driver's license and is/are not listed on the application as an operator(s), a Driver Exclusion Form must be signed and submitted with the application. In addition, the/those owner(s) will sign the following:

I have voluntarily chosen not to list myself as a driver on the application. I understand and agree that if an unlisted owner is involved in a claim, there may be no coverage under my policy because of the Material Misrepresentation provision of the policy. Owner(s) Signature(s): _____

SIGNED CERTIFICATION OF BUSINESS ENTITY AND VEHICLE USAGE

The application I submitted herewith represents that my vehicles are used to further my business objectives. I understand and agree that the Company is entitled to examine books and records as they relate to the premium for this policy at any time during the policy period. This may include verification of actual business use of the vehicles. I certify that I have listed on the application all my employees, family members and others who have permission to drive one or more of the vehicles listed in my application. I understand that I am required to cooperate with and notify the insuring carrier of any change to information presented in the application, including information pertinent to the ownership and permissive operators of the vehicle(s), during the policy period. **I understand that, if found responsible for fraud or material misrepresentation in the application or any extension or renewal of the policy, the insurance company can cancel or rescind all or part of the insurance and/or deny coverage of a claim pursuant to the provisions of the policy and applicable law.** By signing below, I hereby certify that all information provided herein and all other information submitted with the company's application is true and accurate.

Signature of Owner/Applicant's Authorized Representative: _____

Printed Name of Owner/Applicant's Authorized Representative: _____

Title: _____

Date: _____

Witness to the Signator and Signing above:

Signature of Producer: _____

Printed Name of Producer: _____

Agency Name: _____

Date: _____

MA Fraud Warning: "Any person who knowingly and with the intent to defraud any insurance company or another person files an application for insurance or statement of claim containing any material false information, or conceals for the purpose of misleading information concerning any fact material thereto, may be committing a fraudulent insurance act, which may be a crime and may subject the person to criminal and civil penalties."

---Documentation to be submitted to the insuring Servicing Carrier, copy to be retained by Producer---

(ed. ~~08-18-01-21~~)

CAR Commercial Automobile Committee
Commercial Automobile Insurance Rules and Forms
Summary of Amendments to Address TNC Activities

TNC Endorsement Forms:

- The Committee recommended that an endorsement that notes the exclusion of coverage for TNC activities be filed for use with private passenger type classifications. Accordingly, CAR will adopt AIB's form CA 23 45 11 16 – Public or Livery Passenger Conveyance and On-Demand Delivery Services Exclusion for use with any private passenger type vehicle (attached).
- The Committee recommended that an endorsement that notes the exclusion of coverage for car sharing activities be filed for use with all vehicle types. As an endorsement of this type is not currently on file for AIB, staff has drafted form CR 99 05 XX 21 – Vehicle Sharing Program Exclusion Endorsement for use with all policies (attached). At this time, AIB is considering whether to place such a form on file. Staff will coordinate adoption accordingly.
- The Committee recommended that an endorsement be filed for all public vehicle classes that may engage in TNC activities to clarify that the coverage provided by the TNC is primary when the vehicle is engaged in TNC activities. As an endorsement of this type is not currently on file for AIB, staff has drafted form CR 99 04 XX 21 – Public or Livery Passenger Conveyance and On-Demand Delivery Services Other Insurance Condition Endorsement (attached). At this time, AIB is considering whether to place such a form on file. Staff will coordinate adoption accordingly.

Proposed Changes to the Commercial Automobile Insurance Manual Referencing TNC-Related Endorsements:

- Section II – Common Coverages and Rating Procedures - Rule 20 – How to Classify Automobiles

Clarify Rule 20 to indicate that vehicles engaging in TNC activities are to be classified and rated in accordance with the Public Transportation section of the Manual.

D. Classify and rate buses, taxicabs and other automobiles that are used in the business of transporting people according to Section V – Public Transportation of this manual, **including vehicles engaging in public or livery passenger conveyance and on-demand delivery of services through a transportation network or delivery network services company.**

- Section II – Common Coverages and Rating Procedures - Rule 43 – **Vehicle Sharing Program Exclusion Endorsement** (formerly Reserved for Future Use)

Designate Rule 43 for the Vehicle Sharing Program Exclusion Endorsement, to be attached to all residual market policies.

The Servicing Carrier will attach the Vehicle Sharing Program Exclusion Endorsement form CR 99 05 XX 21 to the policy, to exclude all coverages when a vehicle is enrolled in a vehicle sharing program. A vehicle sharing program means an online-enabled application or digital network

used to connect owners of commercially insured vehicles with business entities seeking to rent those vehicles and does not include leasing or rental companies.

- Section IV – Private Passenger Types - Rule 61 – Eligibility

Clarify Rule 61 to indicate that vehicles engaged in public or livery passenger conveyance and on-demand delivery services, including those engaged in TNC activities are not eligible for the PPT classification and that the Servicing Carrier will attach the Exclusion Endorsement to any policy with a private passenger type vehicle.

A. Automobiles of private passenger or station wagon type that are owned or leased under contract for a continuous period of at least 12 months by (1) partnerships, (2) corporations, (3) unincorporated business associations, or (4) other legal entities with a federal employer identification number. This section does not apply to:

1. Automobiles that are used as a public livery or conveyance, including vehicles engaging in public or livery passenger conveyance and on-demand delivery of services through a transportation network or delivery network services company. Refer to Section V – Public Transportation of this Manual.

- a. The Servicing Carrier will attach the Public or Livery Passenger Conveyance and On-Demand Delivery Services Exclusion form CA 23 45 11 16 to the policy to exclude all coverages when the vehicle is being used as a public or livery conveyance for passengers or is logged into a transportation network platform or delivery network platform.

2. Automobiles that are rented to others without a driver. Refer to Rule 120 – Leasing or Rental Concerns in Section VI – Special Types and Operations of this Manual.

- Section V – Public Transportation - Rule 75 – Public or Livery Passenger Conveyance and On-Demand Delivery Services – Other Insurance Condition Endorsement (formerly Reserved for Future Use)

Designate Rule 75 for the Public or Livery Passenger Conveyance and On-Demand Delivery Services Other Insurance Condition Endorsement, to be attached to all residual market policies that contain vehicles classified as public transportation that also engage in TNC activities.

For those public transportation vehicles engaging in on-demand passenger conveyance and delivery services through a TNC, the Servicing Carrier will attach the Public or Livery Passenger Conveyance and On-Demand Delivery Services – Other Insurance Condition Endorsement form CR 99 04 XX 21 to the policy which stipulates that the public transportation auto liability coverage is excess over the insurance provided by a transportation network or delivery network services company.

- Section III – Trucks, Tractors and Trailers and Section VII – Special Types and Operations

The Committee should discuss whether there is sufficient activity in the market to necessitate the need for the Public or Livery Passenger Conveyance and On-Demand Delivery Services – Other Insurance Condition Endorsement form CR 99 04 XX 21 to be attached to residual market policies containing these types of vehicles.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

PUBLIC OR LIVERY PASSENGER CONVEYANCE AND ON-DEMAND DELIVERY SERVICES EXCLUSION

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.

A. Changes In Covered Autos Liability Coverage

The following exclusion is added:

Public Or Livery Passenger Conveyance And On-demand Delivery Services

This insurance does not apply to any covered "auto" while being used:

1. As a public or livery conveyance for passengers. This includes, but is not limited to, any period of time a covered "auto" is being used by an "insured" who is logged into a "transportation network platform" as a driver, whether or not a passenger is "occupying" the covered "auto"; or
2. By an "insured" who is logged into a "transportation network platform" or "delivery network platform" as a driver to provide "delivery services", whether or not the goods, items or products to be delivered are in the covered "auto".

B. Changes In Physical Damage Coverage

The following exclusion is added:

We will not pay for "loss" to any covered "autos" while being used:

1. As a public or livery conveyance for passengers. This includes, but is not limited to, any period of time a covered "auto" is being used by an "insured" who is logged into a "transportation network platform" as a driver, whether or not a passenger is "occupying" the covered "auto"; or
2. By an "insured" who is logged into a "transportation network platform" or "delivery network platform" as a driver to provide "delivery services", whether or not the goods, items or products to be delivered are in the covered "auto".

C. Changes In Auto Medical Payments

If Auto Medical Payments Coverage is attached, then the following exclusion is added:

Public Or Livery Passenger Conveyance and On-demand Delivery Services

This insurance does not apply to:

"Bodily injury" sustained by an "insured" "occupying" a covered "auto" while it is being used:

1. As a public or livery conveyance for passengers. This includes, but is not limited to, any period of time a covered "auto" is being used by an "insured" who is logged into a "transportation network platform" as a driver, whether or not a passenger is "occupying" the covered "auto"; or
2. By an "insured" who is logged into a "transportation network platform" or "delivery network platform" as a driver to provide "delivery services", whether or not the goods, items or products to be delivered are in the covered "auto".

D. Changes In Uninsured And/Or Underinsured Motorists Coverage

1. If Uninsured and/or Underinsured Motorists Coverage is attached, and:

- a. Contains, in whole or in part, a public or livery exclusion, then the following exclusion in Paragraph 2. does not apply.
- b. Does not contain a public or livery exclusion, then the following exclusion in Paragraph 2. is added.

2. Public Or Livery Passenger Conveyance And On-demand Delivery Services

This insurance does not apply to any covered "auto" while being used:

- a. As a public or livery conveyance for passengers. This includes, but is not limited to, any period of time a covered "auto" is being used by an "insured" who is logged into a "transportation network platform" as a driver, whether or not a passenger is "occupying" the covered "auto"; or
- b. By an "insured" who is logged into a "transportation network platform" or "delivery network platform" as a driver to provide "delivery services", whether or not the goods, items or products to be delivered are in the covered "auto".

E. Changes In Personal Injury Protection Coverage

1. If Personal Injury Protection, no-fault or other similar coverage is attached, and:

- a. Contains, in whole or in part, a public or livery exclusion, then the following exclusion in Paragraph 2. does not apply.
- b. Does not contain a public or livery exclusion, then the following exclusion in Paragraph 2. is added.

2. Public Or Livery Passenger Conveyance And On-demand Delivery Services

This insurance does not apply to any covered "auto" while being used:

- a. As a public or livery conveyance for passengers. This includes, but is not limited to, any period of time a covered "auto" is being used by an "insured" who is logged into a "transportation network platform" as a driver, whether or not a passenger is "occupying" the covered "auto"; or
- b. By an "insured" who is logged into a "transportation network platform" or "delivery network platform" as a driver to provide "delivery services", whether or not the goods, items or products to be delivered are in the covered "auto".

F. Additional Definitions

As used in this endorsement:

- 1. "Delivery network platform" means an online-enabled application or digital network, used to connect customers:
 - a. With drivers; or
 - b. With local vendors using drivers; for the purpose of providing prearranged "delivery services" for compensation. A "delivery network platform" does not include a "transportation network platform".
- 2. "Delivery services" includes courier services.
- 3. "Occupying" means in, upon, getting in, on, out or off.
- 4. "Transportation network platform" means an online-enabled application or digital network used to connect passengers with drivers using vehicles for the purpose of providing prearranged transportation services for compensation.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

VEHICLE SHARING PROGRAM EXCLUSION ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM
GARAGE COVERAGE FORM
TRUCKERS COVERAGE FORM

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

A. Changes in Covered Auto Liability Coverage

The following exclusion is added:

Vehicle Sharing Program:

This insurance does not apply to any "covered" auto while enrolled or participating in a vehicle sharing program under the terms of an express agreement.

B. Changes in Physical Damage Coverage

The following exclusion is added:

We will not pay for "loss" to any covered "autos" while enrolled or participating in a vehicle sharing program under the terms of an express agreement.

C. Changes in Auto Medical Payments

If Auto Medical Payments Coverage is attached, then the following exclusion is added:

Vehicle Sharing Program:

This insurance does not apply to any "Bodily Injury" sustained by an "insured" "occupying a covered "auto" while enrolled or participating in a vehicle sharing program under the terms of an express agreement.

D. Changes in Uninsured And/Or Underinsured Motorist Coverage

If Uninsured and/or Underinsured Motorist Coverage is attached, then the following exclusion is added:

Vehicle Sharing Program:

This insurance does not apply to any covered "auto" while enrolled or participating in a vehicle sharing program under the terms of an express agreement.

E. Changes in Personal Injury Protection Coverage

If Personal Injury Protection, no-fault, or other similar coverage is attached, then the following exclusion is added:

Vehicle Sharing Program

This insurance does not apply to any covered “auto” while enrolled or participating in a vehicle sharing program under the terms of an express agreement.

F. Additional Definitions

As used in this endorsement

1. “Vehicle Sharing Program” means an online-enabled application or digital network used to connect owners of commercially insured vehicles with business entities seeking to rent those vehicles.
2. Vehicle Sharing Programs do not include leasing or rental companies.

DRAFT

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

PUBLIC OR LIVERY PASSENGER CONVEYANCE AND ON-DEMAND DELIVERY SERVICES

OTHER INSURANCE CONDITION

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM
TRUCKERS COVERAGE FORM

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

A. Changes in Covered Auto Liability Coverage

The following is added to the **Other Insurance** Condition in the Business Auto Coverage Form and the **Other Insurance – Primary and Excess Insurance Provisions** in the Truckers Coverage Form and supersedes any provision to the contrary:

This Coverage Form's Covered Auto Liability coverage is excess over insurance provided by a "transportation network company" when the covered "auto" is being used:

1. By an insured who is logged into a transportation network platform as a driver, whether or not a passenger is "occupying" the covered "auto" and whether or not the driver is driving to provide a prearranged ride; or
2. By an insured who is logged into a "transportation network platform" or "delivery network platform" as a driver to provide "delivery services", whether or not the goods, items, or products to be delivered are in the covered "auto".

B. Additional Definitions

As used in this endorsement:

1. "Delivery network platform" means an online-enabled application or digital network used to connect customers:
 - a. With drivers; or
 - b. With local vendors using drivers; for the purpose of providing prearranged "delivery services" for compensation. A "delivery network platform" does not include a "transportation network platform".
2. "Delivery Services" includes courier services.
3. "Occupying" means in, upon, getting in, on, out or off.
4. "Transportation network company" means a corporation, partnership, sole proprietorship or other entity that uses a digital network to connect riders to drivers to pre-arrange and provide transportation.
5. "Transportation network platform" means an online-enabled application or digital network used to connect passengers with drivers using vehicles for the purpose of providing prearranged transportation services for compensation.