



NATALIE A. HUBLEY  
PRESIDENT

COMMONWEALTH AUTOMOBILE REINSURERS

101 Arch Street, Suite 400 Boston, Massachusetts 02110  
www.commauto.com 617-338-4000

**ADDITIONAL INFORMATION**

**TO MEMBERS OF THE COMMERCIAL AUTOMOBILE COMMITTEE**

**FOR THE MEETING OF:**

**Wednesday, March 15, 2023, at 10:00 a.m.**

**CAC**

**22.05 AIB Commercial Automobile Insurance Manual and Endorsement Changes**

To support Committee discussions regarding the upgrade of forms on file for the MA commercial automobile residual market, attached is a comparison of the Truckers Coverage Form currently on file for ceded policies (06/06 version) to the most recent version of the Business Auto Policy together with the Motor Carrier Endorsement (11/20 versions). (Docket #CAC22.05, Exhibit #5)

Also attached is a schedule of policy forms and endorsements indicating updates needed to implement the latest policy forms, including additional endorsements as recommended by the Committee during prior discussions. Staff has also prepared a list of issues to address in order to finalize the schedule of required updates. (Docket #CAC22.05, Exhibit #6)

TIMOTHY GALLIGAN  
Actuarial and Statistical Services Director

Attachments

Boston, Massachusetts  
March 10, 2023

Commonwealth Automobile Reinsurers  
Commercial Automobile Committee

Truckers Program Modification: Business Auto Policy/Motor Carrier Endorsement  
Summary of Modifications  
Truckers Coverage Form 03/06 vs BAP/MC Endorsement 11/20

Section: I.A. – Covered Autos – Description of Covered Auto Designation Symbols

Comments:

- CAR Rule of Operation 6.C requires that coverage written on the BAP is restricted to those vehicles specifically described in the policy declarations, with exceptions described in the Rule. Accordingly, only symbols 7, 8, or 9 are cedable. Use of the BAP for trucking risks will also eliminate duplicate exposure for the residual market as intended by this restriction and will ensure consistent procedures among Servicing Carriers.
  - CAR Rule 6.C.2 also allows for physical damage coverage for damage to trailers under a trailer interchange contract in conjunction with liability coverage. Use of the MC Endorsement will enable this coverage as defined in Rule 55.D. of the CAR Commercial Automobile Insurance Manual.
- 

Section: I.B. – Covered Autos – Owned Autos

Comments:

- The use of the MC Endorsement overrides language in the BAP addressing autos leased or rented for a period of at least six months. (pending Counsel review)
  - BAP language modifications in B.1 and 2 are consistent with modifications to the current version of the MC policy  
no apparent impact to coverage.
  - BAP language modifications in B.3 clarify coverage and are consistent with modifications to the current version of the MC policy  
may require underwriting and claims training.
- 

Section: I.C. – Covered Autos – Certain Trailers, Mobile Equipment and Temporary Substitute Autos

Comments:

- BAP language modifications increase the gross vehicle weight rating to 3,000 pounds. The change is consistent with modifications to the current version of the MC policy  
may require underwriting and claims training and a manual rule update.

Truckers Coverage Form 03/06 vs BAP/MC Endorsement 11/20  
Page 2

Section: II.A.1 – Covered Autos Liability Coverage – Who is an Insured

Comments:

- The use of the MC Endorsement ensures that Who is an Insured is defined appropriately for a trucking risk.  
may require underwriting and claims training.
  - The BAP and the current version of the MC form eliminate language referencing trailers not connected being used pursuant to operating rights granted by a public authority. (pending Counsel review)
- 

Section: II.A.2 – Covered Autos Liability Coverage – Coverage Extensions

Comments:

- BAP language modifications in A.2.a(5) addressing attorneys' fees and expenses are consistent with modifications to the current version of the MC policy  
may require underwriting and claims training.
- 

Section: II.B. – Covered Autos Liability Coverage – Exclusions

Comments:

- BAP language modifications in B.5.b and B.14 addressing employees' family members and unmanned aircraft, respectively, are consistent with modifications to the current version of the MC policy and the modifications are consistent with CAC discussion.  
may require underwriting and claims training.
- 

Section: IV.A. – Physical Damage Coverage (Section III of BAP) – Coverage Extensions

Comments:

- BAP language modifications in A.2 incorporating light or medium trucks is consistent with CAC discussion and with modifications to the current version of the MC policy.  
will require underwriting and claims training, manual rule changes, and rate review.
  - BAP language modifications in A.4 increasing coverage for transportation and loss of use expenses is consistent with CAC discussion and with modifications to the current version of the MC policy.  
will require underwriting and claims training
- 

Section: IV.B. – Physical Damage Coverage (Section III of BAP) – Exclusions

Comments:

- Exclusion of coverage for a covered auto while in someone else's possession under a trailer interchange agreement is enabled by the use of the MC endorsement.
- BAP language modifications in B.3 addressing losses confined to wear and tear, etc. is consistent modifications to the current version of the MC policy  
may require underwriting and claims training.

Truckers Coverage Form 03/06 vs BAP/MC Endorsement 11/20  
Page 3

---

Section: IV.C. – Physical Damage Coverage (Section III of BAP) – Limits of Insurance

Comments:

- BAP language modifications in C.1.b addressing electronic equipment is consistent modifications to the current version of the MC policy  
may require underwriting and claims training and statistical plan updates.
- 

Section: IV.D. – Physical Damage Coverage (Section III of BAP) – Deductible

Comments:

- BAP language modifications describing the application of the deductible is consistent modifications to the current version of the MC policy  
may require underwriting and claims training.
- 

Section: V – Other Insurance Conditions (Section IV of BAP)

Comments:

- Other Insurance Conditions defined in the Truckers policy are addressed in the MC Endorsement.
- 

Truckers Endorsement 03/06 vs Motor Carrier Endorsement 11/20

Comments:

- Countersignature requirement is removed.
  - Cost of hire schedule is modified to separate primary and excess coverage.
  - Cost of hire definition is clarified and will require underwriting training.
  - Trailer interchange schedule is modified to include deductible; will require underwriting training.
  - Modifications to the definition of who is an insured are consistent with updates to the BAP and MC policy.
  - Clarification of trailer interchange coverage regarding duty to defend may require underwriting and claims training.
  - Clarification of trailer interchange coverage regarding attorneys' fees and expenses is consistent with updates to the BAP and MC policy.
  - Exclusion of losses confined to wear and tear, etc. is consistent with updates to the BAP and MC policy.
  - Clarification of the determination of deductible is consistent with updates to the BAP and MC policy.
  - Clarification of primary and excess insurance provisions will require underwriting and claims training.
-

COMMERCIAL AUTOMOBILE COMMITTEE  
SCHEDULE of POLICY FORMS/ENDORSEMENTS  
COMMENTS/QUESTIONS for DISCUSSION

1. Currently, both the Business Auto Declarations (CA DS 03 06) and the Declarations – Massachusetts Business Auto Coverage Form (M 00 97 10 06) are filed for use. Staff is requesting feedback as to whether the countrywide form should be withdrawn in favor of consistent use among the Servicing Carriers.
2. The policy language for many Special Types and Common Coverage endorsements has not changed; however, the list of coverage forms has been updated to reference the Auto Dealer and Motor Carrier coverage forms. It appears that a separate implementation date for the transition to the Auto Dealer Coverage Form may require that two versions of the endorsement forms be on file for a period of time until the transition to the Auto Dealers coverage form is complete. Staff is requesting feedback as to whether the duplication is feasible and/or whether a single implementation date for all form upgrades is preferred.
3. The only change to Nuclear Energy Liability Exclusion Endorsement is an update to the coverage forms listed. The Committee should provide feedback on whether the adoption of the new form is preferred in order to maintain consistency with adoption of other newer version endorsements. The newer version number is provided for reference purposes.
4. The policy language relative to coverage for many of the Truck, Tractor, Trailer endorsements has not changed; however, the newer forms do reflect the following minor updates:
  - Correct policy references - such as Liability Coverage has been changed to Covered Autos Liability Coverage.
  - Updated Coverage forms - Motor Carrier coverage form has replaced the Truckers coverage form.
  - Title Changes – Truckers has been replaced by Motor Carrier.Even though the changes may be minor, in order to properly align the endorsements to the coverage forms, CAR is recommending adoption of the newer endorsement forms.
5. The policy language relative to coverage for many of the Common Coverage Endorsements has not changed; however, the newer forms do reflect the following minor updates:
  - Correct policy references - such as Liability Coverage has been changed to Covered Autos Liability Coverage.
  - Updated Coverage forms – the Motor Carrier and Auto Dealer coverage form has replaced the Truckers and Garage coverage forms.
  - Title Changes – MM 99 22 10 13 – Drive Other Car Coverage now includes Massachusetts in the complete title.Even though the changes may be minor, in order to properly align the endorsements to the coverage forms, CAR is recommending adoption of the newer endorsement forms.
6. There are certain endorsements in which the current version contains clarification to the policy language that impacts coverage, and thus CAR is recommending adoption of the newer versions:
  - CA 23 17 11 20 – Truckers-Uniform Intermodal Interchange Endorsement (Form UIIE-1)
  - CA 99 60 10 13 – Audio Visual and Data Electronic Equipment Coverage
    - Impacts both BAP and AD, so different implementation dates may be needed.

- MM 99 13 12 16 – Auto Medical Payments Coverage
    - Impacts both BAP and AD, so different implementation dates may be needed.
  - CA 99 37 10 13 – Garagekeepers Coverage
  - CA 99 59 10 13 – Garagekeepers Coverage-Customers' Sound Receiving Equipment
  - CA 99 61 10 10 – Loss Payable Clause-Audio, Visual and Data Electronic Equipment
    - Impacts both BAP and AD, so different implementation dates may be needed.
7. CAR is recommending the withdrawal or replacement of the following endorsements:
- CA 25 05 03 06 – Garage Locations and Operations Medical Payments Coverage – the language in the Auto Dealers coverage form addresses the need for this endorsement
  - CA 23 13 12 93 – Trailer Interchange – Fire and Fire and Theft Coverage – the newer version (10 13) only references the Motor Carrier coverage form so it is not applicable. While the Motor Carrier endorsement offers specified causes of loss, the options do not exactly correspond to this endorsement (Fire also includes lightning and explosion). Unless the Committee members can demonstrate a need for the endorsement, CAR is recommending withdrawal.
  - CA 99 54 07 97 – Covered Auto Designation Symbol – as coverage to only those vehicles specifically described and designated with symbols 7, 8, and 9 can be ceded, this endorsement, which allows a carrier to describe additional covered vehicles, is no longer appropriate.
  - MM 99 19 09 98 – Liability Insurance Deductible – CAR does not offer a liability deductible and thus this endorsement is not applicable.
  - CA 99 34 12 93 – Social Service Agencies – Volunteers as Insureds will be replaced with CA 05 24 11 20 – Non-Ownership Liability Coverage for Volunteers with adoption of the Auto Dealers coverage form.
8. Two endorsements specific to MA (Premium Adjustment and Coverage Endorsement MM 99 68 09 98 and Rate Modification MM 99 20 09 88) currently list the Garage and Truckers Coverage forms; however, the newer versions (04 11) have only been updated to include the Motor Carrier coverage form. Staff will review the Auto Dealers Coverage form and provide additional information at the meeting.
9. As discussed at the March 2022 meeting, the Committee determined that a number of endorsements merited further consideration, and these have been added to the schedule of changes. The Committee should confirm its intent to adopt these endorsements.
- Garage/Auto Dealers Endorsements
    - CA 27 12 12 19 – Cannabis Exclusion for General Liability Coverages
    - CA 27 16 11 20 – Exclusion – Cross Suits General Liability Coverages
    - CA 27 06 11 20 – Unmanned Aircraft Exclusion for Liability Coverages (BI & PD)
    - CA 27 07 11 20 – Unmanned Aircraft Exclusion for Liability Coverages (Personal and Advertising Injury)
  - Special Types Endorsements
    - CA 05 24 11 20 – Non-Ownership Liability Coverage for Volunteers
    - CA 04 52 11 20 – On-Hook Coverage
    - CA 05 25 11 20 – Partners or Members as Insureds
  - Common Coverages Endorsements
    - CA 04 39 11 20 – Volunteer Hired Autos
10. In performing the review of endorsements, CAR has identified an existing endorsement that is currently not on file for use, but might be suitable in light of other similar endorsements. Accordingly, the Committee is requested to review and provide feedback on the appropriateness of CA 20 54 11 20 – Employee Hired Autos. This endorsement would add liability coverage to

“Who is an Insured”, similar to other endorsements addressing volunteers and partners or members. CA 20 54 11 20 includes the following language:

An “employee” of yours is an “insured” while operating an “auto” hired or rented under a contract or agreement in an “employee’s” name, with your permission, while performing duties related to the conduct of your business.

**Commonwealth Automobile Reinsurers  
Commercial Auto Committee  
Schedule of Policy Forms Updates**

**Coverage Forms**

Current Version		New Version	
Form Title	Form Number	Form Title	Form Number
MA Garage Insurance Policy	MM 00 95 10 11	Auto Dealers Coverage Form	CA 00 25 11 20
Garage Declarations – MA	MM 00 94 10 06	Auto Dealers Declarations - MA	MM 25 02 11 20
Business Auto Coverage Form	CA 00 01 03 06	Business Auto Coverage Form	CA 00 01 11 20
Business Auto Declarations	CA DS 03 03 06	Withdraw (use MA Business Auto Dec)	
MA Business Auto Declarations	MM 00 97 10 06	MA Business Auto Declarations	MM 00 97 11 20
Truckers Coverage Form	CA 00 12 03 06	Withdraw (use CA 00 01 11 20)	
Truckers Declarations	CA DS 14 03 06	Withdraw (use MM 00 97 11 20)	
MA Truckers Declarations	MM 00 96 10 06		
Truckers Endorsement	CA 23 20 03 06	Motor Carrier Endorsement	CA 23 30 11 20
MA Mandatory Endorsement	MM 99 11 10 11	MA Mandatory Endorsement Auto Dealers – MA Mandatory End	MM 99 11 10 13 MM 25 01 10 13
Common Policy Conditions	IL 00 17 11 98	No Change	
Nuclear Energy Liability Exclusion End	IL 00 21 04 98	Nuclear Energy Liability Exclusion End	Minor Changes IL 00 21 09 08



Schedule of Policy Forms Updates  
Page 2

**Garage/Auto Dealers Endorsements**

<b>Endorsement Title</b>	<b>Current Version (GA)</b>	<b>New Version (AD)</b>
Additional Insured – Municipalities	MM 25 98 09 98	MM 25 98 10 13
Additional Insured – Lessor of Leased Equipment <sup>(1)</sup>	CA 20 47 07 97	CA 20 47 11 20
Automobile Dealers – “Drive-Away” Collision or Limited Collision	CA 25 02 12 93	CA 25 02 10 13
Cannabis Exclusion for General Liability Coverages		CA 27 12 12 19
Exclusion – Cross Suits liability for General Liability Coverages		CA 27 16 11 20
False Pretense Coverage	CA 25 03 03 06	CA 25 03 10 13
Franchise Products Endorsement	MM 25 97 09 98	MM 25 97 10 13
Other Than Covered Autos Exposure – Total Pollution Exclusion With a Building Heating Equipment Exception and a Hostile Fire Exception	CA 25 36 03 06	CA 25 36 10 13
Garage Locations and Operations Medical Payments Coverage	CA 25 05 03 06	Withdraw
Locations and Operations Not Covered	CA 25 07 12 93	CA 25 07 10 13
Named Driver Collision Coverage	CA 25 11 12 93	CA 25 11 10 13
Pollution Liability – Broadened Coverage For Covered Autos	MM 25 96 10 06	MM 25 96 10 13
Unmanned Aircraft Exclusion for General Liability Coverages (BI & PD)		CA 27 06 11 20
Unmanned Aircraft Exclusion for General Liability Coverages (Personal and Advertising Injury)		CA 27 07 11 20

<sup>(1)</sup> Moved from Special Types Endorsements into Garage/Auto Dealers Endorsements table as it applies only to that coverage form

Schedule of Policy Forms Updates  
Page 3

**Special Types Endorsements**

<b>Endorsement Title</b>	<b>Current Version</b>	<b>New Version</b>
Additional Insured – Owner of Leased Vehicle	MM 20 25 09 98	MM 20 25 10 13 (AD)
Driving Schools – Non-owned Auto	CA 20 06 12 93	CA 20 06 11 20 (AD)
Emergency Vehicles – Volunteer Firefighters and Workers Injuries Excluded	CA 20 30 12 93	CA 20 30 10 13 (AD)
Farm Tractors and Farm Tractors Equipment	CA 20 08 12 93	CA 20 08 10 13 (AD)
Guest Occupants Exclusion	MM 20 06 09 98	MM 20 06 10 13 (AD)
Leasing or Rental Concerns – Contingent Coverage	CA 20 09 07 97	CA 20 09 10 13 (AD)
Leasing or Rental Concerns – Conversion, Embezzlement, or Secretion Cov	CA 20 10 12 93	CA 20 10 10 13 (AD)
Leasing or Rental Concerns – Exclusion of Certain Leased Autos	CA 20 11 03 06	CA 20 11 10 13 (AD)
Leasing or Rental Concerns – Rent-it-There/Leave-it-Here Autos	CA 20 12 10 01	CA 20 12 10 13 (AD)
Leasing or Rental Concerns – Schedule of Limits for Owned Autos	CA 20 13 10 01	CA 20 13 10 13 (AD)
Leasing or Rental Concerns – Second Level Coverage	CA 20 14 07 97	CA 20 14 10 13 (AD)
Lessor – Additional Insured and Loss Payee - Massachusetts	MM 20 26 10 06	MM 20 26 11 20 (AD)
Mobile Equipment	MM 20 11 10 06	MM 20 11 11 20 (AD)
Mobile Home Contents Not Covered	CA 20 17 12 93	CA 20 17 10 13 (AD)
Non-Ownership liability Coverage for Volunteers (replaces Social Services Agencies – Volunteers as Insureds)	CA 99 34 12 93	CA 05 24 11 20 (AD)
On-Hook Coverage		CA 04 52 11 20
Partners or Members as Insureds		CA 05 25 11 20 (AD)
Physical Damage Coverage – Autos Held for Sale by Non-Dealers	MM 20 27 10 06	No Change
Professional Services Not Covered	CA 20 18 12 93	CA 20 18 10 13(AD)
Registration Plates Not Issued for a Specific Auto	MM 20 10 01 04	MM 20 10 10 13 (AD)
Sound Receiving Equipment Coverage – Fire, Police and Emergency Vehicles	CA 20 02 12 93	CA 20 02 10 13 (AD)

Schedule of Policy Forms Updates  
Page 4

**Truck, Tractor, Trailer Endorsements**

Endorsement Title	Current Version	New Version
Commercial Automobiles Equipped with Amusement Devices	MM 23 03 09 98	Minor Changes MM 23 03 10 13
Coverage for Injury to Leased Workers	CA 23 25 07 97	Minor Changes CA 23 25 10 13
Explosives	MM 23 04 09 98	Minor Changes MM 23 04 10 13
Multi-Purpose Equipment	CA 23 03 12 93	Minor Changes CA 2 03 10 13
Rolling Stores	CA 23 04 10 01	Minor changes CA 23 04 10 13
Trailer Interchange – Fire and Fire and Theft Coverage	CA 23 13 12 93	No change or Withdraw
Truckers – Excess Coverage for the Named Insured and Named Lessors for Leased Autos	CA 23 08 12 93	Minor Changes CA 23 08 10 13
Truckers – Insurance for Non-Trucking Use	MM 23 07 09 98	Minor Changes MM 23 07 10 13
Truckers – Uniform Intermodal Interchange Endorsement (Form UIIE-1)	CA 23 17 03 06	CA 23 17 11 20
Truckers – Named Lessee as Insured	CA 23 12 12 93	Minor Changes CA 23 12 10 13
Wrong Delivery of Liquid Products	CA 23 05 12 93	Minor Changes CA 23 05 11 13

**Public Transportation Endorsements**

Endorsement Title	Current Version	New Version
Public Transportation Autos	CA 24 02 12 93	Minor Changes CA 24 02 10 13
Public or Livery Passenger Conveyance and On-Demand Delivery Services Other Insurance Condition	CR 99 04 02 22	Update for new cov form references

Schedule of Policy Forms Updates  
Page 5

**Common Coverages Endorsements**

<b>Endorsement Title</b>	<b>Current Version</b>	<b>New Version</b>
Additional Insured – Massachusetts	CR 99 02 07 20	Update for new cov form references
Agreed Value Insurance	MM 99 66 09 98	MM 99 66 10 13 (AD)
Audio, Visual and Data Electronic Equipment Coverage	CA 99 60 03 06	CA 99 60 10 13
Auto Medical Payments Coverage	MM 99 13 10 06	MM 99 13 12 16
Covered Auto Designation Symbol	CA 99 54 07 97	Withdraw
Drive Other Car Coverage – Broadened Coverage for Named Individuals	MM 99 22 09 98	Minor changes MM 99 22 10 13
Employees as Insureds	CA 99 33 02 99	Minor Changes CA 99 33 10 13
Employee as Lessor	CA 99 47 07 97	Minor Changes CA 99 47 10 13
Fire, Fire and Theft, Fire, Theft and Windstorm and Limited Specified Causes of Loss Coverages	MM 99 47 09 98	MM 99 47 10 13 (AD)
Garagekeepers Coverage	CA 99 37 03 06	CA 99 37 10 13
Garagekeepers Coverage – Customer’s Sound Receiving Equipment	CA 99 59 03 06	CA 99 59 10 13
Glass Breakage – \$100 Deductible	MM 99 51 09 98	MM 99 51 10 13 (AD)
Hired Autos Specified as Covered Autos You Own	CA 99 16 12 93	CA 99 16 10 13 (AD)
Individual Named Insured	CA 99 17 10 01	CA 99 17 10 13 (AD)
Liability Insurance – Deductible	MM 99 19 09 98	Withdraw
Limited Collision Coverage	MM 99 16 09 98	MM 99 16 10 13 (AD)
Loss of Use / Rental Reimbursement Coverage	MM 99 39 09 98	MM 99 39 10 13 (AD)
Loss Payable Clause – Audio, Visual and Data Electronic Equipment	CA 99 61 12 93	CA 99 61 10 13
Massachusetts Changes	MM 99 67 09 98	No Change (MC Ref) CA 99 67 10 13

Schedule of Policy Forms Updates  
Page 6

**Common Coverages Endorsements (continued)**

<b>Endorsement Title</b>	<b>Current Version</b>	<b>New Version</b>
Massachusetts Mandatory Endorsement	MM 99 11 10 11	MM 99 11 10 13 and MM 25 01 10 13 (MC)
Operator Exclusion	CR 99 01 08 18	No Change
Personal Injury Protection Coverage	MM 99 35 09 98	No Change (MC ref) MM 99 35 04 11
Pollution Liability – Broadened Coverage for Covered Autos	MM 99 55 10 06	Minor Changes MM 99 55 10 13
Premium Adjustment and Coverage Endorsement - Massachusetts	MM 99 68 09 98	TBD
Public or Livery Passenger Conveyance and On-Demand Delivery Services Exclusion	CR 99 06 02 22	CA 23 45 11 20
Rate Modification - Massachusetts	MM 99 23 09 98	TBD
Restriction of PIP for Employers Subject to the Massachusetts Workers' Compensation Act	MM 99 20 09 98	MM 99 20 10 13 (AD)
Social Service Agencies – Volunteers as Insureds	CA 99 34 12 93	Withdraw (replace with CA 05 24 11 20)
Specialty and Classic Auto – Massachusetts	CR 99 03 04 21	No Change
Split Liability Limits – Massachusetts	MM 99 18 09 98 (only BA listed, not TR/GA)	MM 99 18 10 13 (AD)
Stated Amount Insurance - Massachusetts	MM 99 56 09 02	MM 99 56 10 13 (AD)
Underinsured Motorists Coverage - Massachusetts	MM 99 54 09 98	MM 99 54 10 13 (AD)
Uninsured Motorists Coverage - Massachusetts	MM 99 28 09 98	MM 99 28 10 13 (AD)
Volunteer Hired Autos		CA 04 39 11 20
Vehicle Sharing Program Exclusion Endorsement	CR 99 05 02 22	Update for new cov form references
Waiver of Deductible	MM 99 17 09 98	MM 99 17 10 13 (AD)

Schedule of Policy Forms Updates  
Page 7

**Certifications**

<b>Form Title</b>	<b>Current Version</b>	<b>New Version</b>
Non-Fleet Private Passenger Type	CR 00 02 01 21	No Change
Principal Place of Business	CR 00 01 08 18	No Change