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**ADDITIONAL INFORMATION**

**TO MEMBERS OF THE COMMERCIAL AUTOMOBILE COMMITTEE**

**FOR THE MEETING OF:**

**Wednesday, April 26, 2023, at 10:00 a.m.**

**CAC**

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

Attached is an analysis prepared by staff comparing the MA Garage Coverage Form currently on file for ceded policies to the most recent version of the Auto Dealers Coverage Form together with the Auto Dealers Massachusetts Mandatory Endorsement (Docket #CAC22.05, Exhibit #8). Also attached is an updated schedule of policy forms and endorsements indicating updates needed to implement the latest policy forms (Docket #CAC22.05, Exhibit #9). Staff will review the information with the Committee at the meeting.

TIMOTHY GALLIGAN  
Actuarial and Statistical Services Director

Attachments

Boston, Massachusetts  
April 19, 2023

**Commonwealth Automobile Reinsurers  
Commercial Automobile Committee – April 26, 2023**

**Auto Dealers Coverage Form Implementation  
Including Auto Dealers Massachusetts Mandatory Endorsement  
Summary of Modifications**

**MA Garage Form 10/11 vs Auto Dealers Form 11/20 + ADMM Endorsement 10/13**

This summary of modifications outlines the sections of the current MA Garage Coverage Form (MM 00 95) on file for CAR and identifies the corresponding language in the Auto Dealers Coverage Form (CA 00 25) together with the Auto Dealers Massachusetts Mandatory Endorsement (MM 25 01). The summary also identifies areas in which additional underwriting and claims training, manual rule or rate review, or statistical plan changes may be required as a result of the program upgrade. For additional explanation of the changes refer to AIB Commercial Auto Notice No CA-039.

**Section I – Covered Autos**

**A. Description of Covered Auto Designation Symbols**

The description of covered auto designation symbols is also included in Section I.A. of the Auto Dealers Coverage Form (pages 1-2 of 29).

- Changes to the descriptions are consistent with clarifying language incorporated into the BAP as presented previously.
- Symbol 32 of the MA Garage form describes covered autos while used with a dealer or repair plate issued by the MA RMV. This symbol is not included in the auto dealers coverage form and will require the use of the Covered Auto Designation Symbol Endorsement CA 99 54 10 13.
  - **May require underwriting and claims training.**

**B. Owned Autos Acquired After the Policy Begins**

**C. Certain Trailers and Temporary Substitute Autos**

Covered autos described in these sections is also included in Section I.B. and C. of the Auto Dealers Coverage Form (page 2 of 29)

- Clarifying language is added to address autos leased or rented, without a driver, under written agreement for six months or more.
- The description of trailers covered under this section has been updated to refer to gross vehicle weight rating of 3000 pounds or less.
- Note that these changes are consistent with language in the current version of the BAP
  - **May require underwriting and claims training.**

**Section II – Compulsory Bodily Injury to Others Coverage**

The description of coverage provided under this section of the MA Garage Policy is not included in the Auto Dealers Coverage Form. SCs must attach the Auto Dealers Massachusetts Mandatory Endorsement form (MM 25 01).

- A. Coverage/2. Who is an Insured – additional items for customers that are not included in the Garage are included in the AD in the Covered Auto sections – however, those

- references are included in the Who is an Insured section of the Garage Operations – Covered Auto section of the GA policy. (Counsel: does that change coverage?)
- B. Coverage/3. Coverage Extensions –the language for the Out-of-State Coverage Extensions is not in the Compulsory section, but rather in the Garage Operations. (counsel: does that change coverage?)

### **Section III – Personal Injury Protection Coverage**

#### **Section V – Uninsured Motorists Coverage**

The description of coverage provided under these sections of the MA Garage Policy is not included in the Auto Dealers Coverage Form. SCs must attach the Auto Dealers Massachusetts Mandatory Endorsement form (MM 25 01).

### **Section IV – Liability Coverage**

#### **A. Coverage**

##### **1. Garage Operations – Other Than Covered Autos**

The description of non-auto liability coverage is located in Sections II.A.1. General Liability, Bodily Injury and Property Damage Liability (page 11 of 29) of the Auto Dealers form.

- Language describing sums that will be paid and duty to defend has been modified somewhat without substantive change in meaning. (counsel review)
  - **May require underwriting and claims training.**
- Reference noting “if the insured settles a claim without our consent, we will not be bound by that settlement” has been eliminated in the Auto Dealers form. This language, however, is included in the Auto Dealers MA Mandatory Endorsement.
  - **May require underwriting and claims training.**
- Language describing sums that will be paid and duty to defend has been modified somewhat without substantive change in meaning. (counsel review)
  - **May require underwriting and claims training.**

##### **2. Garage Operations – Covered Autos**

The description of covered auto coverage provided under this section of the MA Garage Policy is located in Section I.D.1. – Covered Autos Coverages; Covered Autos Liability Coverage; Coverage of the Auto Dealers Coverage Form (page 2 of 29).

- Reference to “garage operations” has been eliminated without change in meaning.
- Language describing right and duty to defend is modified somewhat in the Auto Dealers form but is addressed on page 12 of 19 of the Auto Dealers MA Mandatory Endorsement.
  - **May require underwriting and claims training.**

##### **3. Who Is an Insured**

- a. Covered Autos - the description of who is an insured for covered autos under this section of the MA Garage Policy is located in Section I.D.2. – Covered

Autos Coverages; Covered Autos Liability Coverage; Who Is an Insured of the Auto Dealers Coverage Form (page 3 of 29).

- **Description of who is an insured is clarified and may require underwriting and claims training.**
- b Other than Covered Autos – the description of who is an insured for other than covered autos is included in Section II.D. – General Liability; Who is an Insured of the Auto Dealers Coverage Form (page 19 of 29)
  - **Description of who is an insured is clarified and may require underwriting and claims training.**

#### **4. Coverage Extensions**

The description of coverage extensions under this section of the MA Garage Policy is located in Section I.D.3. – Covered Autos Coverages; Covered Autos Liability Coverage; Coverage Extensions of the Auto Dealers Coverage Form (page 3-4 of 29)

- Payment of court costs taxed against the insured are clarified with respect to attorney fees and expenses.
  - **May require underwriting and claims training.**
- Language describing out-of-state coverage extensions is clarified to apply to covered autos without change in meaning.
  - **May require underwriting and claims training.**

#### **B. Exclusions**

Liability coverage exclusions relating to Covered Autos are located in Section I.D.4. – Covered Autos Coverages; Covered Autos Liability Coverage; Exclusions of the Auto Dealers Coverage Form (pages 4-6 of 29). Liability coverage exclusions relating to Other Than Covered Autos are located in Sections II.A.2 (pages 12-16 of 29) of the Auto Dealers Coverage form.

- Clarification of exclusion of BI coverage relating to fellow employees as well as family members of fellow employees. (page 4 of 29)
  - **May require underwriting and claims training.**
- Clarification of Employee Indemnification and Employer's Liability to specify timeframes (4) (a) (Page 12 of 29)
- Clarification of exclusion of general liability coverage relating to watercraft or aircraft (page 14 of 29)
  - **May require underwriting and claims training.**
- Loss of Use exclusion is retitled in the Auto Dealers form to Damage to Impaired Property or Property Not Physically Damaged. (page 14 of 29)
  - **May require underwriting and claims training.**
- Language excluding liability coverage for covered autos resulting from the handling of property and movement of property by mechanical device has been added (page 5 of 29).
  - **May require underwriting and claims training.**
- Language excluding liability coverage for acts, errors or omissions as well as unmanned aircraft is added to the covered autos section (page 6 of 29).
  - **May require underwriting and claims training.**
- Language excluding liability coverage resulting from the recording and distribution of material or information in violation of law has been expanded and clarified (page 15 of 29).

- **May require underwriting and claims training.**
- General liability exclusions relating to personal and advertising injury and liquor liability have been added (page 15 of 29).
  - **May require underwriting and claims training.**
- General liability exclusions relating to access or disclosure of confidential or personal information has been added (page 16 of 29).
  - **May require underwriting and claims training.**
- Pollution exclusion relating to covered autos is modified by the Auto Dealers MA Mandatory Endorsement to ensure compliance with MA statutory coverage.

### **C. Limit of Insurance**

#### **1. Aggregate Limit of Insurance – Garage Operations – Other than Covered Auto**

The description of coverage limits under this section of the MA Garage Policy is located in Section II.F. – General Liability; Limits of Insurance of the Auto Dealers Coverage Form (page 20 of 28) with no apparent impact to coverage (**counsel review**)

- Increases deductible for PDL from \$100 to \$500 to an auto as a result of work performed on that auto.
  - **May require underwriting and claims training.**

#### **2. Limit of Insurance – Garage Operations – Covered Auto**

The description of coverage limits under this section of the MA Garage Policy is located in Section I.D.5. – Covered Autos Coverages; Covered Autos Liability Coverage; Limits of Insurance of the Auto Dealers Coverage Form (page 6 of 28) with no apparent impact to coverage (**counsel review**)

- Removed specific reference to separate BI and PDL limits if coverage is shown separately on the declarations (split limits are purchased) but this language is addressed in the Auto Dealers MA Mandatory Endorsement.

### **Additional Notes Relating to General Liability Coverage Afforded Under the Auto Dealers Form**

The Auto Dealers Coverage Form contains additional coverage not afforded under the MA Garage Policy as described below. **These may require underwriting and claims training.**

#### **Damage to Rented Premises Liability:**

Section II.A.2.e of the Auto Dealers form incorporates coverage for damages relating to rented premises previously afforded by attaching endorsement CA 25 05. As this endorsement is not cedable, and to ensure no change in coverage available in the residual market, Servicing Carriers would attach endorsement CA 25 50 – Exclusion – Damage to Rented Premises.

#### **Personal and Advertising Injury Liability:**

Section II.B. of the Auto Dealers form incorporates coverage for personal and advertising injury liability page (16-18 of 29) previously afforded by attaching

endorsement CA 25 14. As this endorsement is not cedable, and to ensure no change in coverage available in the residual market, Servicing Carriers would attach endorsement CA 25 54 – Exclusion – Personal and Advertising Injury Liability Coverages.

**Locations and Operations Medical Payments:**

Section II.C. of the Auto Dealers form affords coverage for locations and operations medical payments (page 18 of 29). This coverage is currently available in the residual market but requires an endorsement CA 25 05. As this language has been incorporated directly into the policy, the endorsement can be withdrawn.

**Acts, Errors, or Omissions Liability:**

Section III of the Auto Dealers form affords coverage for acts, errors, or omissions liability (page 21-23 of 29). In order to ensure no change in coverage available in the residual market, Servicing Carriers would attach endorsement CA 25 63 – Exclusion – Acts, Errors, or Omissions Liability Coverages

**Section VI – Garagekeepers Coverage**

The description of garagekeepers coverage is included in Section I.E. – Covered Autos Coverages; Garagekeepers Coverage of the Auto Dealers Coverage Form (pages 6-8 of 29).

- Description of who is an insured includes spouses of partners if in the conduct of auto dealer operations.
- Coverage Extension – court costs do not include attorney fees or expenses taxed against the insured (change is consistent with new BAP)
  - **May require underwriting and claims training**

**Section VII – Physical Damage Coverage**

The description of coverage provided under this section of the MA Garage Policy is included in Section I.F. Covered Autos Coverages, Physical Damage Coverage of the Auto Dealers Coverage Form (pages 8-11 of 29) and the Auto Dealers Massachusetts Mandatory Endorsement form (MM 25 01).

- Changes to the form language are limited to minor clarifications and changes to section titles.
- Loss of Use Expenses in the AD policy has increased amounts of \$30 per day to a maximum of \$900 (change is consistent with BAP)
- Exclusions/f-Other Exclusion language is clarified with respect to exceptions to the exclusion.
- Limits of Insurance in the AD policy contains new language for electronic equipment (change is consistent with BAP)
- Deductible – language relating to deductible in the AD form is replaced by the AD MA mandatory endorsement. Deductibles under comprehensive or specified causes of loss is modified in the AD MA mandatory endorsement. **(counsel: change in coverage?)**
- Conditions applying to physical damage coverage not addressed in the AD coverage form with respect to claims handling, total loss, sales tax, loss payee, pre-insurance inspection, and actual cash value are included in the AD MA

mandatory endorsement. (Additional reference to conditions with respect to appraisal for physical damage loss is included in section IV of the AD coverage form (page 23 of 29))

### **Section VIII – Garage Conditions**

Conditions described in the MA Garage Policy are included in Section IV – Conditions of the Auto Dealers Coverage Form (pages 23-26 of 29). Use of the Auto Dealers MA Mandatory Endorsement ensures that any differences are addressed.

- Counsel: if acts, E&O are excluded by endorsement, does that address reference to such in Section IV A.2 and B.5.d. of the AD form?
- Other Insurance conditions described in the Garage policy relating to liability coverage being excess is modified in Section IV B.5.e of the AD form to specify certain circumstances.
- Description of conditions in Section IV B.7 relating to policy period and coverage territory have been clarified. (counsel review)

### **Section IX – Definitions**

Definitions are included in Section V of the Auto Dealers Coverage Form (pages 26-29 of 29) and include new terms as appropriate. Use of the Auto Dealers MA Mandatory Endorsement ensures that any differences are addressed.

**Commonwealth Automobile Reinsurers  
Commercial Auto Committee – April 26, 2023  
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	<b>Business Auto Declarations</b>	<b>CA DS 03 11 20</b>
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	IL 00 21 09 08



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**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
<b>Exclusion – Acts, Errors, or Omissions Liability Coverage</b>		<b>CA 25 63 10 13</b>
Exclusion – Cross Suits Liability for General Liability Coverages		CA 27 16 11 20
<b>Exclusion – Damage to Rented Premises</b>		<b>CA 25 50 10 13</b>
<b>Exclusion – Personal and Advertising Injury Liability Coverages</b>		<b>CA 25 54 10 13</b>
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

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**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
Driving Schools – Non-owned Auto	CA 20 06 12 93	CA 20 06 11 20
Emergency Vehicles – Volunteer Firefighters and Workers Injuries Excluded	CA 20 30 12 93	CA 20 30 10 13
Farm Tractors and Farm Tractors Equipment	CA 20 08 12 93	CA 20 08 10 13
Guest Occupants Exclusion	MM 20 06 09 98	MM 20 06 10 13
Leasing or Rental Concerns – Contingent Coverage	CA 20 09 07 97	CA 20 09 10 13
Leasing or Rental Concerns – Conversion, Embezzlement, or Secretion Cov	CA 20 10 12 93	CA 20 10 10 13
Leasing or Rental Concerns – Exclusion of Certain Leased Autos	CA 20 11 03 06	CA 20 11 10 13
Leasing or Rental Concerns – Rent-it-There/Leave-it-Here Autos	CA 20 12 10 01	CA 20 12 10 13
Leasing or Rental Concerns – Schedule of Limits for Owned Autos	CA 20 13 10 01	CA 20 13 10 13
Leasing or Rental Concerns – Second Level Coverage	CA 20 14 07 97	CA 20 14 10 13
Lessor – Additional Insured and Loss Payee - Massachusetts	MM 20 26 10 06	MM 20 26 11 20
Mobile Equipment	MM 20 11 10 06	MM 20 11 11 20
Mobile Home Contents Not Covered	CA 20 17 12 93	CA 20 17 10 13
Non-Ownership liability Coverage for Volunteers (replaces Social Services Agencies – Volunteers as Insureds)	CA 99 34 12 93	CA 05 24 11 20
On-Hook Coverage		CA 04 52 11 20
Partners or Members as Insureds		CA 05 25 11 20
Physical Damage Coverage – Autos Held for Sale by Non-Dealers	MM 20 27 10 06	CA 20 78 11 20
Professional Services Not Covered	CA 20 18 12 93	CA 20 18 10 13
Registration Plates Not Issued for a Specific Auto	MM 20 10 01 04	MM 20 10 10 13

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**Special Types Endorsements (Con't)**

<b>Endorsement Title</b>	<b>Current Version</b>	<b>New Version</b>
Sound Receiving Equipment Coverage – Fire, Police and Emergency Vehicles	CA 20 02 12 93	CA 20 02 10 13

**Truck, Tractor, Trailer Endorsements**

<b>Endorsement Title</b>	<b>Current Version</b>	<b>New Version</b>
Commercial Automobiles Equipped with Amusement Devices	MM 23 03 09 98	MM 23 03 10 13
Coverage for Injury to Leased Workers	CA 23 25 07 97	CA 23 25 10 13
Explosives	MM 23 04 09 98	MM 23 04 10 13
Multi-Purpose Equipment	CA 23 03 12 93	CA 2 03 10 13
Rolling Stores	CA 23 04 10 01	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	CA 23 08 10 13
Truckers – Insurance for Non-Trucking Use	MM 23 07 09 98	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	CA 23 12 10 13
Wrong Delivery of Liquid Products	CA 23 05 12 93	CA 23 05 11 13

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**Public Transportation Endorsements**

Endorsement Title	Current Version	New Version
Public Transportation Autos	CA 24 02 12 93	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

**Common Coverages Endorsements**

Endorsement Title	Current Version	New Version
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
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	CA 99 54 10 13
Drive Other Car Coverage – Broadened Coverage for Named Individuals	MM 99 22 09 98	MM 99 22 10 13
Employees as Insureds	CA 99 33 02 99	CA 99 33 10 13
Employee as Lessor	CA 99 47 07 97	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
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
Hired Autos Specified as Covered Autos You Own	CA 99 16 12 93	CA 99 16 10 13

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**Common Coverages Endorsements (Con't)**

<b>Endorsement Title</b>	<b>Current Version</b>	<b>New Version</b>
Individual Named Insured	CA 99 17 10 01	CA 99 17 10 13
Liability Insurance – Deductible	MM 99 19 09 98	Withdraw
Limited Collision Coverage	MM 99 16 09 98	MM 99 16 10 13
Loss of Use / Rental Reimbursement Coverage	MM 99 39 09 98	MM 99 39 10 13
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	CA 99 67 10 13
Operator Exclusion	CR 99 01 08 18	No Change
Personal Injury Protection Coverage	MM 99 35 09 98	MM 99 35 04 11
Pollution Liability – Broadened Coverage for Covered Autos	MM 99 55 10 06	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)
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
Stated Amount Insurance - Massachusetts	MM 99 56 09 02	MM 99 56 10 13
Underinsured Motorists Coverage - Massachusetts	MM 99 54 09 98	MM 99 54 10 13
Uninsured Motorists Coverage - Massachusetts	MM 99 28 09 98	MM 99 28 10 13

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**Common Coverages Endorsements (Con't)**

<b>Endorsement Title</b>	<b>Current Version</b>	<b>New Version</b>
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

**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