

NEW INSURANCE ENDORSEMENTS WILL REDUCE COVERAGE

Insurance companies are continuing to reduce the coverage provided under general liability policies. Many carriers are modifying the coverage provided under Coverage B, Advertising Injuries/Personal Injury.

Effective in March of this year, the Insurance Service Organization ("ISO") has a new CGL endorsement, CG00670305, which excludes and/or limits coverage for liability arising from emails, faxes, phone calls or other methods of electronic communications. The new ISO endorsement and related endorsements for multi-media policies significantly limit the coverage for advertising over the Internet, including misguided emails. The New York Attorney General's Office and other state authorities have been involved in enforcement actions related to misguided emails and the resulting damages may be excluded by the new ISO endorsements.

The insurance industry is providing new products that will provide coverage for electronic communications and advertising. The new

products will fill-in the gaps created by the new ISO endorsements. Of course, the new policies will raise the cost of providing coverage, as the policies will have to be obtained in addition to standard CGL policies.

This year, more than ever before, policy holders will need to be vigilant in reviewing endorsements and amendments to policies. Requesting samples of new policies, endorsements, and amendments before they go into effect, is one of the best ways to avoid coverage problems in the future. The coverage lawyers at Kean Miller have the expertise to assist you in reviewing current and future policies to avoid unexpected coverage gaps.

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