



ACORD Forms Notification Service November 2023 Bulletin

ACORD Form Changes and Additions

The following pages include both a list of any new and revised ACORD forms and an Explanation of the Changes made.

This sets forth the revised forms this month with a description of the forms and projects that are being worked on currently.

Forms can be found on the **ACORD Forms Portal** page at www.acord.org.

ACORD's forms index can be found on our website as well.

In response to a membership request, we underwent a review to the forms index this release to reconcile the form edition dates with the dates on our forms portal.

We plan to make some updates soon to the forms index related to ordering auto id cards that should improve the process for those that order auto id cards.

The effective date included on the footer of all forms will match the date the form must be used in order to ensure compliance with our filings. To download forms, you will need to "sign-in" as an ACORD member with your username and password.

If you need assistance, a sample of a form, or you would like to join ACORD, please call Member Services at (800) 444-3341, Option 2 or email us at memberservices@acord.org.

If you do not wish to receive this notification, please email memberservices@acord.org requesting that we unsubscribe you to this Forms Notification Service.

We previously released ACORD 951 and 951e with form editions of 2024/01 to reflect regulatory changes. We are providing advice that these forms are available to membership on our portal. We have again detailed the changes in this notification. Please ensure your forms library is up to date.

ACORD®

Forms Release 12/6/2023

Form Number	Replaces	Title	For Use on or after:	Regulatory Change
REVISIONS				
P&C Countrywide				
ACORD 63 (2024/02)	2016/10	Fraud Statements	02/01/2024	YES
P&C – State Specific				
ACORD 90 WA (2024/02)	2021/06 AND 2016/12	Washington Personal Auto Application	02/01/2024	YES
ACORD 95 MD (2024/07)	2018/04	Maryland Required Notice of Uninsured Motorist Coverage and Enhanced Underinsured Motorist Coverage	07/01/2024	YES
ACORD 137 WA (2024/02)	2016/12	Washington Commercial Auto Application	02/01/2024	YES
ACORD 290 WA (2024/02)	2021/06 AND 2016/12	Washington Personal Auto Application Section	02/01/2024	YES
NEW				
P&C-Countrywide				
NONE				
P&C – State Specific				
ACORD 67 MN (2024/05)		Minnesota Personal Boat Insurance Notice Election to Decline Bodily Injury Coverage	05/01/2024	YES
ACORD 85 MN (2024/04)		Minnesota Mobile Home Application	04/01/2024	YES
		ACORD 130 CA (2023/01) No change to the static text, however updated versions were deployed to the Acroform, XFDL and XFS formats.		
		ACORD 137 VA (2023/07) No change to the static text, however updated versions were deployed to the Acroform, XFDL and XFS formats.		
P&C -Withdrawn				
None				
Life & Annuity				
NONE				



November 2023
EXPLANATION OF CHANGES

P&C FORMS

REVISIONS

Countrywide

1. ACORD 63 (2024/02)
FRAUD STATEMENTS

ACORD underwent a substantial change to the review of the fraud warnings. Because of the number of changes and formatting changes, we would recommend treating this as a new form.

Please note the following changes are made to the form from a prior edition:

1. New ACORD logo.
2. Change form edition to (2024/02) and added new copyright date 2023.
3. Add Producer in place of Agency on top of the form.
4. For space considerations, lines following the states were removed so that the text follows the specific state abbreviation.
5. Add a colon ":" after "Applicable in AL, AR, DC, LA, MD, NM, RI and WY" and remove underline formatting.
6. Delete "DC".
7. Add a colon ":" after "Applicable in FL and OK" and remove underline formatting.
8. Add a colon ":" after "Applicable in KS" and remove underline formatting.
9. Add a colon ":" after "Applicable in KY, OH and PA" and remove underline formatting.
10. Remove NY from "Applicable in KY, NY, OH and PA".
11. Add a colon ":" after "Applicable in ME, TN, VA and WA" and remove underline formatting.

12. Add a colon ":" after "Applicable in NJ" and remove underline formatting.
13. Add a colon ":" after "Applicable in OR" and remove underline formatting.
14. Add a colon ":" after "Applicable in PR" and remove underline formatting.
15. Remove sentence "(not to exceed five thousand dollars and the stated value of the claim for each such violation)*. *Applies in NY Only."
16. Added the following text: "Applicable in CA: For your protection, California law requires the following to appear on this form. Any person who knowingly presents false or fraudulent information to obtain or amend insurance coverage or to make a claim for the payment of a loss is guilty of a crime and may be subject to fines and confinement in state prison."
17. Added the following text: "Applicable in DC: WARNING: It is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the applicant."
18. Added the following text: "Applicable in NY: Applicable to all applications and claim forms for automobile insurance: Any person who knowingly and with intent to defraud any insurance company or other person files an application for commercial insurance or a statement of claim for any commercial or personal insurance benefits containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, and any person who, in connection with such application or claim, knowingly makes or knowingly assists, abets, solicits or conspires with another to make a false report of the theft, destruction, damage or conversion of any motor vehicle to a law enforcement agency, the department of motor vehicles or an insurance company commits a fraudulent insurance act, which is a crime, and shall also be subject to a civil penalty not to exceed five thousand dollars and the value of the subject motor vehicle or stated claim for each violation."

This form was filed in the states that ACORD files on behalf of members. Florida, it should be noted, did not want a stand-alone Fraud Warning and would not review/accept this form.

State Specific

1. ACORD 90 WA (2024/02) **WASHINGTON AUTO APPLICATION**

This new edition was created in response to *existing* Washington legislation that provides in part:

(7)(a) The policy may provide for a deductible of not more than three hundred dollars for payment for property damage when the damage is caused by a hit-and-run driver or a phantom vehicle.

(b) In all other cases of underinsured property damage coverage, the policy may provide for a deductible of not more than one hundred dollars. (RCW 48.22.030)

We modified the form to include these deductibles on page 1 of the application.

In addition, recall that in 2022, there was significant state action and court activity concerning the use of credit history in underwriting. In short, the Office of Insurance Commissioner issued a rule banning the use of credit history. This rule was challenged in Court. The rule is no longer in effect. The Court issued a final order overturning the ban on credit scoring. Because of the Office's rule and the Court proceedings, there was a lack of certainty as to whether credit history was going to be allowed and we understand that members filed rate plans without credit history while the case was proceeding. We maintained two forms – one without credit history and our original form which had a disclosure that credit may be used. **In this release, we modified the language on the form to allow for credit history (at the discretion of the carrier) and added the deductible provisions as detailed above.**

The following changes were made to the 2024/06 compared to the 2024/02 edition:

1. Change title of form (deletion of Without Credit and for new policies...)
2. Change of form edition : 2024/02 and change of copyright date to 2023
3. Addition of hit and run deductible and deductible fields on underinsured motorist line on page 1
4. Page 5 deletion of "In order to provide... vehicle" in rejection of coverage section

This form was intended to replace the two 90 WA forms: 2016/12 and 2021/06.
Please do not hesitate to reach out if there are questions about this.

2. ACORD 290 WA (2024/02)
WASHINGTON AUTO APPLICATION

For similar reasons as set forth above in 90 WA, this form was intended to replace the two 290 WA forms: 2016/12 and 2021/06.

1. Change title of form (deletion of Without Credit and for new policies...)
2. Change of form edition : 2024/02 and change of copyright date to 2023
3. Addition of hit and run deductible and deductible fields on underinsured motorist line on page 1
4. Page 4, deletion of "In order to provide... vehicle" in rejection of coverage section

3. ACORD 137 WA (2024/02)
WASHINGTON COMMERCIAL AUTO APPLICATION

This new edition was created in response to existing Washington legislation that provides in part:

(7)(a) The policy may provide for a deductible of not more than three hundred dollars for payment for property damage when the damage is caused by a hit-and-run driver or a phantom vehicle.

(b) In all other cases of underinsured property damage coverage, the policy may provide for a deductible of not more than one hundred dollars. (RCW 48.22.030)

We modified the form to include these deductibles on page 1 of the application.

The following changes were made

1. New form editions: 2024/02 and change the copyright date
2. New ACORD logo on page 1
3. Change Agency to Producer on page 1
4. Add the hit and run and deductible fields on page 1 in the Underinsured row.

4. ACORD 95 MD (2024/07)
MARYLAND MANDATORY OFFER OF ENHANCED UNDERINSURED
MOTORIST ("EUIM") COVERAGE AND OPTION SELECTION FORM

This is a revised form based on new legislation that essentially changes EUIM coverage. EUIM coverage will be subject to an opt out as opposed to an opt in. The form that has been released is a Department form. ACORD has filed this form and received approval. While this is not a new form, we recommend that because of the number of changes, this form should be treated like a new form.

This form should be used with each new policy of private passenger motor vehicle insurance issued sold or delivered in Maryland on or after July 1st 2024.

(A “redline” is available and can be provided to a member on request.)

NEW FORMS

State Specific

1. ACORD 67 MN (2024/05) MINNESOTA PERSONAL BOAT INSURANCE NOTICE ELECTION TO DECLINE BODILY INJURY COVERAGE

This new form was created in response to Minnesota’s M.S.A. 60A.0812, requiring an insurer issuing bodily injury liability coverage for a boat insurance policy must to notify a person at the time of sale of their rights to decline coverage for insureds and be provided an updated quote reflecting the appropriate premium for the coverage provided. Named insureds must affirmatively make an election to decline coverage, and the election must be signed and dated, and is binding on all persons insured under the policy and to any renewal of the policy.

This form was filed and approved, as required by the Minnesota Commissioner.

2. ACORD 85 MN (2024/05) MINNESOTA MOBILE HOME APPLICATION

ACORD created this state-specific form in response to legislation Minnesota §65A.303 HOMEOWNER’S LIABILITY INSURANCE; DOGS. This legislation prohibits insurers writing homeowner’s insurance from (1) refusing to issue or renew an insurance policy or contract, or (2) canceling an insurance policy or contract based solely on the fact that the homeowner harbors or owns one dog of a specific breed or mixture of breeds.

Question 4 on page 3 addresses the legislation.

We have filed this form with the Department and it has been approved.

Updates

ACORD 130 CA (2023/01) and ACORD 137 VA (2023/07)

No changes were made to the static texts of these forms, but new versions were deployed to the Acroform, XFDL and XFS formats to solve a downloading error seen in LiveCycle. This is not a form change.

LIFE AND ANNUITY

We want to make sure all that use the ACORD 951/951e forms are aware of changes and the release of new forms As set forth below, ACORD 951(e) and ACORD 951 were changed due to regulatory reasons.

The new form editions will be 2024/01. We released these previously but want to make sure your forms libraries are up to date.

1. ACORD 951(e) (2024/01) **1035 EXCHANGE/ROLLOVER/TRANSFER eForm**

The following changes were made to ACORD 951(e):

1. Deletion on page one of a solid line at the bottom margin
2. Change the change to the form addition on each page to 2024/01
3. Page three of four, move down the signature guarantee block as well as the 4TSA/403B block to create room for newly added text.
4. Add above the signature lines on Page 3: California's Fraud warning, adding a horizontal line above the new added California fraud warning.
5. On Page 4, to the 6b Econsent and Acknowledgement paragraph replacing x and y in paragraph c with iv and v (appears to be a typographical error).

2. ACORD 951 (2024/01) **1035 EXCHANGE/ROLLOVER/TRANSFER**

1. Change Form Edition to 2024/01
2. Page 4, space accommodation to add California Fraud warning.

In essence, the changes to these forms were made to accommodate the California state-specific fraud warning. With respect to ACORD 951 and ACORD 951e, California Insurance Code §1871.2 applies to applications and forms where a person (i) applies for a policy, (ii) amends insurance coverage (including any change to insurance coverage affecting premium) under an existing policy, or (iii) gives notice of a claim. ACORD's 1035 exchange forms are used to facilitate a full or partial exchange of policies and to transfer funds from an original life insurance policy or annuity to a new policy to mitigate potential tax implications. It is not an application for a new policy or notice of a claim. A partial exchange could potentially affect the premiums of the existing policy. Further, a surrender of the original policy could be deemed a cancellation which amends the policy. As such, with an abundance of caution, we are modifying the forms to add the California specific fraud language and releasing new versions of the forms.

UPCOMING PROPERTY AND CASUALTY FORMS CHANGES

While we are monitoring legislative and regulatory changes, we advise of the following potential impacts. Please be advised that this is not meant to be exhaustive. If

there is something additional ACORD should be reviewing/monitoring, do not hesitate to reach out.

DELAWARE

Delaware has enacted Senate Bill 184, which prohibits homeowner's and private passenger motor vehicle insurers from considering non-pending arrests, charges and indictments that do not result in conviction, (ii) convictions unrelated to fraud or the risk being insured, or (iii) driver's license suspensions or revocations for non-driving related reasons. The provisions of the bill apply to all policies issued or renewed beginning September 14, 2024.

We will be reviewing applicable forms.

MARYLAND

Maryland passed new legislation that in part provides that effective 10/1/2023, ***and applicable to all new policies issued on or after July 1, 2024***. EUIM coverage will be subject to an opt out as opposed to an opt in. ACORD will also be reviewing the auto applications to evaluate for any changes.

MINNESOTA

In this release, ACORD released a new form "Minnesota Personal Boat Insurance Notice Election to Decline Bodily Injury Coverage". The impact of this election is being evaluated for applicable insurance policies. If you or a colleague have knowledge or information about personal boat insurance, including ACORD 82, please reach out to us here at ACORD.

In addition, Minnesota passed legislation requiring a premium discount or reduction to an owner who builds or locates a new insurable property. Insurable property means a residential property designated as meeting Fortified program standards as administered by the Insurance Institute for Business and Home Safety. We are reviewing the standards and reviewing applications to evaluate impacts. If you would like to provide input, please contact ACORD.

COMMERCIAL MARINE INSURANCE SUPPLEMENT

ACORD is working with subject matter experts on a commercial marine hull supplement. We intend to continue work on this form and once consensus is obtained with the group, we will submit this to a vote for membership.

If you are interested in being involved or want more information, please do not hesitate to contact us.

GENERAL UPDATES TO PROPERTY AND CASUALTY

We will undergo a review of our forms to make changes to the forms to keep the forms compliant. We are looking for improvements on the homeowner applications with the number of changes that have occurred to state -specific questions. The dog breed questions are of note, with multiple states requiring a different question to be asked concerning dog breeds.

UPCOMING LIFE & ANNUITY UPDATES

The ACORD Standard Life Insurance Application project is continuing we are making great advancements on this project. Should you want additional information about the status of this project or how to get further involved please do not hesitate to reach out to ACORD.

In addition, ACORD is working on a project to create a new form: Change of Annuity Financial Professional and/or Broker/Dealer Form.

It is our goal to develop a standard industry form that would simplify the process to change financial professionals, change custodians, ownership changes and beneficiary changes. Should you have any questions or comments about this form or would also like to get involved in this project please do not hesitate to contact us.

Regarding ACORD 951/951e, we have received several requests/inquiries to make changes to these forms, including a request to add an additional disclosure, enhancing the LOA section, and language concerning Required Minimum Distributions. We have just received approval to have a Special Projects Group look at these issues and other issues related to ACORD 951 and ACORD 951e.

Please be on the lookout for information about the group. If you wish to be involved, please do not hesitate to contact ACORD if you wish to be advised specifically on this effort!