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BULLETIN 2011-04

TO: Insurance Companies Offering Commercial Property Coverage in Massachusetts

FROM: Joseph G. Murphy, Commissioner of Insurance

DATE: February 28, 2011

RE: Exclusions for Losses Caused by "Acts of Terrorism" in Commercial Property Policies Issued Under M.G.L. c. 175, § 99

The purpose of this Bulletin is to inform insurance companies writing commercial property policies pursuant to M.G.L. c. 175, § 99 that, pursuant to Chapter 462 of the Acts of 2010, *An Act Relative to the Standard Fire Insurance Policy*, insurers may exclude coverage for "loss by fire or other perils insured against if the fire or other perils insured against were caused directly or indirectly by an act of terrorism....", as such "act of terrorism" is defined in the federal Terrorism Risk Insurance Act of 2002 (P.L. 107-297) ("TRIA"), as amended. These exclusions may remain in effect only until the expiration of the Terrorism Risk Insurance Program created by TRIA, or its successor. Chapter 462 of the Acts of 2010 is effective on April 14, 2011.

All rate, rule and form filings that insurers may file to exclude coverage for "acts of terrorism" in accordance with Chapter 462 of the Acts of 2010 should be submitted to the Division of Insurance through SERFF (System for Electronic Rate and Form Filing). Such form filings shall include a red-lined copy of the previously approved form and shall explicitly indicate that the exclusion remains valid and in effect only until the expiration of the national Terrorism Risk Insurance Program, or its successor.

Please contact Ed Charbonnier, Director of Policy Form Review, at 617-521-7481 or edward.charbonnier@state.ma.us if you have any questions regarding this Bulletin.