



STATE OF NEW YORK
INSURANCE DEPARTMENT
25 BEAVER STREET
NEW YORK, NEW YORK 10013

Circular Letter No. 15 (1997)
January 27, 1998

TO: All New York State licensed producers, property/casualty insurers and City, State and Municipal Agencies and other Public Authorities and Corporations

RE: The Use of Certificates of Insurance as Evidence of Insurance Coverages

This supplements Circular Letter No. 8, June 7, 1995

It has come to our attention that city, state and municipal agencies and other public authorities and corporations require, as a condition of doing business, that insured parties supply evidence of insurance on preprinted forms supplied by the agency. These forms may appear to alter, expand or modify the terms of the subject insurance policy. In other cases, the Government agency may require the insured to add terms to the standard ACORD certificate of insurance form which do not appear in the insurance policy.

In addition, it has come to our attention that some licensed producers may complete these certificate of insurance forms on behalf of their clients and add terms or clauses that the public entity requires but which are not contained in the insurance policy.

A certificate of insurance which lists the pertinent coverage terms as they appear in the actual policy is not considered a policy form that requires the Superintendent's prior approval. However, any document that amends, expands or otherwise alters the terms of the applicable insurance policy constitutes a policy form which must be filed with the Superintendent of Insurance in accordance with Section 2307(b) of the Insurance Law.

Licensed producers are advised that they may not add terms or clauses to a certificate of insurance which alter, expand or otherwise modify the terms of the actual policy unless authorized by the insurer which has filed an appropriate endorsement with the Superintendent of Insurance and obtained prior approval, if required. The Department may seek disciplinary measures against producers who continue this practice without authorization from the insurer.

City, state, and municipal agencies, and other public authorities and corporations are advised that a

certificate of insurance, even one completed by a licensed producer, is not the best evidence of the terms of an insurance policy and may not accurately reflect the actual terms of the policy.

Very truly yours,

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