



PUBLIC PROTECTION CABINET

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The following guidance is to advise the reader of the current position of the Kentucky Department of Insurance ("the Department") on the specified issue.

FROM: SHARON P. CLARK, COMMISSIONER

RE: PERSONAL AUTOMOBILE POLICY COVERAGE/DELIVERY SERVICES – AMENDED

DATE: ISSUED: MARCH 30, 2020

EXPIRED: OCTOBER 1, 2020

REISSUED: NOVEMBER 19, 2020

The Kentucky Department of Insurance ("Department") issues this guidance pursuant to Executive Order 2020-220, State of Emergency Relating to Insurance. On March 16, 2020, Governor Andy Beshear issued an Executive Order to close all restaurants and bars to in-person traffic and allowing these facilities to remain open for drive-through, delivery, and in some instances, take out. On March 25, 2020, Executive Order 2020-257 was issued closing all businesses that are not life-sustaining and requiring business that remain open to follow guidance issued by the CDC and Kentucky Department of Public Health related to social distancing and hygiene. Effective June 29, 2020, statewide guidance was issued regarding requirements for restaurants and bars to reopen and remain open. The Department's original guidance expired on October 1, 2020.

As a result of a potentially catastrophic surge in COVID-19 cases, on November 18, 2020, Executive Order 2020-968 was issued requiring all restaurants and bars to cease all indoor food and beverage consumption beginning November 20, 2020 at 5:00 pm through December 13, 2020 at 11:59 pm local time. In order to maintain their business operations, businesses that do not normally offer delivery may begin to offer such services, and employees may be providing delivery services temporarily using their own insured personal vehicles. As a result, the Department is re-issuing this guidance.

Personal automobile insurance policies do not typically provide coverage for vehicles used for commercial purposes. To ensure that those providing temporary delivery services have coverage under their personal automobile insurance policies, insurers shall not deny a claim under a personal automobile insurance policy solely because the insured was engaged in delivery services on behalf of a business impacted by the closures necessitated by the Governor's Executive Order.

This guidance shall apply to all personal automobile insurance policies in effect on or after November 20, 2020, and shall remain in effect until December 13, 2020. This guidance does not apply to drivers working for a transportation network company or similar delivery company.

Insurers may submit changes to their filings in accordance with this guidance, but are not required to do so.

//Sharon P. Clark//

Sharon P. Clark, Commissioner
Department of Insurance

