



PUBLIC PROTECTION CABINET

Department of Insurance

P.O. Box 517

Frankfort, Kentucky 40602-0517

1-800-595-6053

<http://insurance.ky.gov>

Andy Beshear

Governor

Ray A. Perry

Deputy Secretary

Kerry B. Harvey

Secretary

Sharon P. Clark

Commissioner

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

DATE: MARCH 25, 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. These facilities may remain open for drive-through, delivery, and in some instances, take out. As a result, in order to maintain their business operations, businesses that do not normally offer delivery may begin to offer such services, and employees who do not typically deliver food may be providing delivery services temporarily using their own insured personal vehicles.

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 March 16, 2020, and shall remain in effect until the Governor’s Executive Order is lifted, in whole or in part, to permit restaurants and bars to resume normal operations. 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.

_____/s/ Sharon P. Clark_____

Sharon P. Clark

Commissioner, Department of Insurance