



**ACORD Forms Notification Service
December 7, 2021 Bulletin**

ACORD P&C and Life/Annuity/Health 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 Forms Notification contains specific information concerning Washington State and California.

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



Forms Release 12-7-2021

Form Number	Replaces	Title	For Use on or after:	Regulatory Change
P&C - State Specific				
ACORD 90 WA (2016/12)		Washington Personal Auto Application	On release	X
ACORD 290 WA (2016/12)		Washington Personal Auto Application Section	On release	X
Withdrawn Forms				
ACORD 80 WA (2021/06)		Washington Homeowner Application		
ACORD 85 WA (2021/06)		Washington Mobile Home Application		

For Use on or after “on release”, see the explanation of changes for more information. The credit history ban was overturned by the Washington Court.



December 2021
EXPLANATION OF CHANGES
P&C FORMS

State Specific

Washington

Earlier this year, ACORD released new forms in Washington to comply with the Commissioner's Emergency Rule prohibiting the use of credit history to determine premiums and eligibility for coverage in private automobile, homeowners, and renter's insurance products (R 2021-19). This Emergency Rule was recently overturned by the court. After this decision was issued, Washington's Insurance Commissioner was pursuing a rule to temporarily prohibit for three years the use of credit history (R 2021-07). This rule was to be effective January 1, 2022. A public hearing was held on November 23, 2021, for an intended adoption of November 24, 2021. After the hearing, ACORD contacted the Commissioner's office about the status. The Commissioner's office advised that the temporary prohibition of credit history is not definitive at this point. Further, if it is implemented then it will be necessary to (again) delete the reference to credit history from applications.

As a result, ACORD is **withdrawing** the 2021/06 editions of the following forms:

Withdrawn Form	Replaced form
80 WA Washington Homeowner Application (2021/06)	ACORD 80 Homeowner Application (2016/11)
85 WA Washington Mobile Home Application (2021/06)	ACORD 85 Mobile Home Application (2016/11)
90 WA Washington Personal Auto Application (2021/06)	ACORD 90 WA Washington Personal Auto Application (2016/12)
290 WA Washington Personal Auto Application Section (2021/06)	ACORD 290 WA Washington Personal Auto Application (2016/12)

ACORD will re-release the prior editions (bolded).

Update: California

SB 1511 was passed and relative to ACORD forms, California insurance applications will need to change.

Section 1871.2 of the Insurance Code was amended to read:

(a) An insurer who, in connection with any insurance application, contract, or provision of contract described in Section 108, prints, reproduces, or furnishes a form to any person upon which that person applies for a policy, seeks to make a change to an existing policy, or gives notice of a claim to the insurer or makes a claim against the insurer by reason of accident, injury, death, or other noticed or claimed loss, or on a rider attached to the form, shall cause to be printed or displayed in comparative prominence with other content the statement: "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." This statement shall be preceded by the words: "For your protection California law requires the following to appear on this form" or other explanatory words of similar meaning.

ACORD and retained local counsel had questions and discussed these questions with the California Department of Insurance. Because of the approaching date for compliance, the Department has advised that the Department will issue **no** enforcement violations or require any corrective action plans while we work through the issues and questions. The Department will ensure that companies will be provided adequate time/notice to amend forms before enforcement occurs.

We are continuing to follow this and welcome any questions you may have.