

NOTE

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Department of Business Regulation

233 Richmond Street
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Insurance Bulletin Number 2003-13

Expiration of Lead Liability Exclusions

The Lead Hazard Mitigation Act provides that after June 30, 2004 no insurance company shall exclude coverage for losses or damages caused by lead poisoning. Insurers which currently have approved exclusions have requested the position of the Department as to whether these exclusions contained in policies in-force on June 30, 2004 will expire on June 30, 2004 or whether the exclusion will remain in-force as written until renewal or other permissible termination of the policy.

R.I. Gen. Laws § 42-128.1-9(b) provides:

Except as otherwise provided by this chapter, no insurance company licensed or permitted by the department of business regulation to provide liability coverage to rental property owners shall exclude, after June 30, 2004, coverage, for losses or damages caused by lead poisoning. The department of business regulation shall not permit, authorize or approve any exclusion for lead poisoning, except as specifically provided for by this chapter, that was not in effect as of January 1, 2000, and all previously approved exclusions shall terminate June 30, 2004. As of July 1, 2004, coverage for lead poisoning shall be included in the policy offered by endorsement, as set forth in this section.

This statute does not provide or contemplate a retrospective application and will only be applied prospectively. Therefore, if an in-force policy has an approved exclusion in place prior to June 30, 2004, this exclusion will remain in effect until the expiration or other permissible termination of the policy. Any policy issued, delivered or renewed after June 30, 2004 must follow R.I. Gen. Laws § 42-128.1-9.

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