



The Trusted Choice®

Louisiana Agent

September 2015



highlights

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Workforce Development Priority for Agents & IIABL

Our independent insurance agencies are only as good as our people. Hiring, training, and keeping good employees has always been a challenge, but the next decade will prove particularly difficult as the baby boom generation retires.

The Big I Future One survey of independent agencies nationwide projects that in the next ten years, over 50% of the current workforce in our agencies will retire. This is true in other industries as well, so the demand for new talent will be tremendous in the coming years.

When IIABL surveyed our members last year to determine their greatest needs, there were two clear priorities. Markets were the number one need, primarily from smaller agencies, who make up the majority of IIABL membership. But the number two priority for agencies of all sizes was workforce development...finding, hiring, training and keeping good employees in our agencies.

IIABL recently created Independent Market Solutions (IMS), a market access program, to address the need for markets for small

agencies. IMS and Big I Markets provide a number of useful markets for IIABL members.

IIABL and IIABA are also working hard to help our member agencies with workforce development.

Last year, IIABL published our [IIABL Agency Resource Guide](#) which provides agency owners with excellent resources for finding the right employees, interviewing and hiring, and training from introduction of insurance through CPCU, and everything in between. Every agency manager can benefit from the [IIABL Agency Resource Guide](#).

Before you hire your next employee, make sure they are right for the job by giving them the [Caliper Employment Aptitude Test](#).

Next, IIABL created the [CSR Boot Camp](#) which provides a prepackaged new employee training program using top quality materials from The Institutes.

IIABL also offers an outstanding online [Prelicensing Education Program](#) which will prepare and qualify your new employee to take the state licensing exam.

Workforce Development Priority for Agents & IIABL (Continued)

Of course, IIABL has always provided high quality [Continuing Education Seminars](#) throughout Louisiana and [Online Continuing Education](#).

When your agency really faces an employee crisis, don't forget about the [WAHVE CSR Leasing Program](#). If you find your agency short staffed because of employee illness, maternity leave, an employee leaves suddenly, or you just can't find good help... the [WAHVE CSR Leasing Program](#) can provide highly qualified CSRs on a part time or full time basis.

Another initiative of IIABL is working with the insurance programs at University of Louisiana at Monroe and the University of Louisiana at Lafayette to recruit students into Louisiana independent agencies. IIABL attends the Risk & Insurance Talent

Search at ULM every spring and fall semester to educate students on the opportunities working in independent insurance agencies. It is exciting to see extremely bright, well-educated young people excited about being in our business. If you are interested in hiring students graduating from the ULM Insurance Program, please contact Dr. Christine Berry at cberry@ulm.edu or (318) 342-1157. If you are interested in hiring students from the ULL Insurance program, please contact Dr. William Ferguson at ferguson@louisiana.edu or (337) 482-6664.

The latest IIABL effort to train new people to work in member agencies is the Louisiana Insurance Academy. Last year the Academy trained four new employees of IIABL member agencies and

trained eleven new people to get them ready to work in our business. Nine of those people now work in Louisiana independent agencies and wholesale brokers.

The Louisiana Insurance Academy enters its second year with classes starting on September 8, 2015. This year's class will be made up of 14 students, all from very different backgrounds and experiences. The class will combine a state pre-licensing curriculum with a deep dive in to the technical aspects of several lines of insurance. We will combine test preparedness with coverage expertise by reviewing policy language and providing case study work, thereby bringing the student a broader understanding of the policy forms. They will also learn "soft skills" such as agency management system work



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Workforce Development Priority for Agents & IIABL (Continued)

flows, providing customer service via telephone and interview skills.

Last year's class proved to be a great resource in developing this year's class. Many of our students this year were referred to us from graduates of the 2014 program. Based on the feedback that we have gotten from last years students, this was not a surprise but it is definitely gratifying.

"The Academy provides opportunities for those just entering the workforce or anyone wanting to make an exciting and rewarding career change."

"I am very pleased to be a graduate of the first Louisiana Insurance Academy and to now have a very rewarding career at one of the largest insurance companies in the U.S."

"... the absolute best avenue for someone to take if they are looking to go into the field of Insurance as their career choice."

"(The LIA) "changed my life and good things are going to start happening for my kids and me."

We have received support from several companies and broker sponsors again this

year. We will not list them all here as the collection process is not yet complete. Suffice it to say that without their financial help this program would not be available.

IIABL heard its members concerns two years ago regarding the need to attract and retain new quality candidates into the insurance business. We will continue to grow the Louisiana Insurance Academy to meet the demands of our agent force as well as those of our partner brokers and insurers.

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New 30 Day NFIP Waiting Period

Most agents are well aware of the traditional 30 day waiting period for the effective date of coverage on new business flood insurance submissions. However, many agents may not know that under new NFIP rules, there is also a 30 day waiting period for coverage increases.

The following is an excerpt from the NFIP Rules:

When an agent/producer opts to renew by means of application after a renewal offer has been made by the insurer, the 30-day waiting period does not apply when an additional amount of insurance is requested at the time of renewal that is no more than the amount of

increase recommended by the insurer on the renewal bill to keep pace with inflation.

If a revised renewal offer results from an endorsement that increases coverage more than the previously offered inflation increase option and becomes effective at least 35 days before renewal, the revised limits will apply at the policy renewal. The revised renewal offer must be generated at least 30 days before the policy renewal in order for these revised limits to take effect at renewal. In either situation, the increased amount of coverage will be effective at 12:01 a.m. on the date of policy renewal, provided that the premium

for the increased coverage is received before the expiration of the grace period.

The 30-day waiting period applies when an additional amount of insurance requested at renewal time is higher than the amount listed on the renewal bill provided by the insurer, and the request is received by the insurer less than 30 days prior to policy expiration. The beginning of the waiting period is determined by the standard rules for endorsement or application. Thus, in order for the coverage amount higher than the inflation option to take effect on the renewal date, the full premium must be received at least 30 days prior to the renewal effective date.



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TRUSTED CHOICE® SOCIAL MEDIA CAMPAIGN RAISES \$150,000 FOR MAKE-A-WISH®

Trusted Choice®, the consumer branding program for independent insurance agents and brokers, exceeded its goal of 15,000 Facebook “shares” during the month of August in its fifth annual social media campaign to raise money for Make-A-Wish®.

For every “share” from the Trusted Choice® Facebook page (www.facebook.com/TrustedChoice) during the month of August, Trusted Choice® donated \$10 to Make-A-Wish. Trusted Choice® committed to donating a minimum of \$100,000 and a maximum of \$150,000 with this campaign and reached the goal of 15,000 “shares” on Monday afternoon, Aug. 31.

“Trusted Choice® is proud to continue using social media in such a positive way to raise funds and awareness for Make-A-Wish,” says Dave Evans,

Trusted Choice® executive director. “We have sponsored wishes for 36 children with life-threatening medical conditions since our first social media campaign in 2011. We are excited to announce that our \$150,000 contribution will make even more life-changing wishes possible.

In addition, Trusted Choice® is providing 50 grants this year, totaling \$375,000, to Make-A-Wish chapters through a local sponsorship initiative.”

This is the fifth year Trusted Choice® has held a social media campaign to benefit Make-A-Wish. The campaigns have raised more than \$770,000 and Trusted Choice® has contributed an additional \$1.5 million through the local grant sponsorships. Collectively, Trusted Choice® has donated more than \$2 million to Make-A-Wish since 2011.

“Independent insurance agents and brokers have a strong track record of active participation and charitable contributions in hundreds of communities across the country and this annual campaign is an important opportunity for all of us to join forces for a very worthy, national effort,” says Robert Rusbuldt, Trusted Choice® president and Big “I” president & CEO. “Make-A-Wish is there for wish kids and their families in their greatest time of need and we are proud and honored to continue our relationship with this wonderful organization.”

The social media campaign has also successfully promoted Trusted Choice® to a broader audience. During the month of August, 15,124 posts from the Trusted Choice Facebook page were shared.

Make-A-Wish grants the wishes of children with life-threatening medical conditions to enrich the human experience with hope, strength and joy. According

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TRUSTED CHOICE® SOCIAL MEDIA CAMPAIGN RAISES \$150,000 FOR MAKE-A-WISH® (Continued)

to a 2011 U.S. study of wish impact, most health professionals surveyed believe a wish-come-true has positive impacts on the health of children. Kids say wishes give them renewed strength to fight their illness, and their parents say these experiences help strengthen the entire family. Headquartered in Phoenix, Make-A-Wish is one of the world's leading children's charities, serving children in every community in the United States and its territories. With the help of generous donors and more than 27,000 volunteers, Make-A-Wish grants a wish

somewhere in the country every 37 minutes. It has granted more than 254,000 wishes since its inception in 1980; more than 14,200 in 2014 alone. Visit Make-A-Wish at www.wish.org to learn more.

is the consumer marketing identity for more than 25,000 independent insurance agencies and brokerage firms and 68 leading insurance companies. For more information, go to www.TrustedChoice.com.



Trusted Choice® educates consumers about the benefits of using independent agents and brokers for their insurance needs: choice of companies, customized policies and advocacy support. Trusted Choice®



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Big "I" Virtual University Consumer Article: "Insuring the Loss of Your Customers' Data"



Abstract: Many businesses have extremely valuable information in electronic form. How can it be insured from loss, in particular, theft? What if your own employees steal it? What if it's stolen by computer hackers or burglars? Is it a crime exposure, a liability exposure, or something else? Well, based on our investigation, it's "something else" all right.

The stories of breached data security have become almost too familiar: An employee takes home a laptop against regulations. A hard drive is sent out for repair, but disappears. A disc with sensitive data is stolen from an office. For business owners and managers, the threat is real, and there is a need

to protect against such violations of data security.

Big businesses are not the only targets of data theft. Doctor's offices, retail shops, contractors, salespeople, and most other professions store personal information electronically. Sometimes, businesses that lose personal information are victims of sophisticated hacking schemes concocted by the most crafty computer cons. More often, data theft comes from the inside—a dishonest employee seeking wealth or a disgruntled employee seeking revenge. Regardless of culprit, victims, including employees, customers and others shoulder the risk of someone else's access to their information.

Information stolen from your business can result in significant costs, including the following:

- Expenses you incur to inform those who may be victims of the theft.
- Expenses you incur to replace the data and income lost during the recovery process.
- Victims will incur expenses to recover lost information and expect you to pay for it.
- Victims will likely no longer do business with you, resulting in lost income.
- Victims who suffer financial losses resulting from identity theft may sue you for their damages.
- Personnel may lose confidence in you and seek employment elsewhere.

Traditional insurance products—such as general liability, property, business income and crime insurance—are designed to cover losses to *tangible* property. Since information is *intangible*, the insurance your business currently buys will not go far in covering this exposure.

Some insurance companies have created products to address data theft that occurs electronically, such as when someone uses a

The advertisement for Lane & Associates, Inc. features a logo with a green leaf and the tagline "Proper Growth - Delivered". Below the logo are several circular icons representing different insurance services: Personal Umbrella (a black umbrella), Farm Liability (a tractor in a field), Daycare (a group of children), Gas Stations & Convenience Stores (a gas station), Contractors Big & Small (a construction worker), Commercial Property Commercial Packages Comprehensive Personal Liability Commercial Auto (a building), and Imaging Centers (a person's face).

www.Lane-Assoc.com

Big "I" Virtual University Consumer Article: "Insuring the Loss of Your Customers' Data" (continued)

computer to steal electronic data. These policies may cover costs you incur to restore the data, including lost income. Others may cover liability, helping you cover costs incurred by others who are victimized by the theft of your data. Such policies are often called "Cyber Risk" or "Cyber Insurance" policies.

Data theft and the unpredictable methods by which it can happen are why there is no substitute for an effective data security plan. Please call us today for information on how a cyber insurance policy could fit your business.

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NOTE: Policy coverages and circumstances can change at any time, so the information above may not be accurate at the time of reprinting or subsequently to that time. IIABA does not assume and has no responsibility for liability or damage which may result from the use of any of this information. The most current, up to date version of this article can be found at IIABA's Virtual University at <http://www.iiaba.net/VU>.



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TRUSTED CHOICE.COM DELIVERS REFERRALS



TrustedChoice.com delivered over 7,000 referrals to Big I members in August, breaking another record, as volume increases each month.

Louisiana agents are getting their fair share of these leads. IIABL is spending \$75,000 this year for internet advertising driving Louisiana consumers to TrustedChoice.com where they become referrals for local IIABL member agencies.

For more information about how TrustedChoice.com can provide qualified referrals to your agency, click [HERE](#).

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Welcome!

IIABL New Members

**J. Michael Howell & Associates
Madisonville**

**Michael Simon Agency
New Orleans**

Is Insurance Knowledge Important? By Chris Burand -

What does an agency sell? The answer to this question will make or break many an agency.

One might say an agency sells price. Fair enough. But what are they selling for price? An insurance policy? Any policy? Is whether or not the policy provides the coverages the insured needs secondary, to be discovered in court together?

Is an agency selling insurance I.D. cards and evidences of insurance for a price? That is all some insureds want so it makes sense to only sell them what they effectively want, right? They really do not care about coverage, just proof of insurance. Do these

particular insureds then even need an agent? What value does an agent selling pure price really provide that software cannot provide?

Consumers do get two benefits. First, they benefit from the agency's E&O policy when coverage proves inadequate. Second, they gain false comfort by believing the agent knows what they are doing.

Computer processing speed is so fast and powerful today that when combined with massive advertising, in most of this market, which is large, the agent is obviated. This is a fact. It is not an opinion no matter how much many readers

may protest.

The I.D. card portion of the insurance market is already lost. Agents obviously still write this business, but the future is dire. The rest of the market can be saved if knowledge rather than price is sold. I hear many, many agents and association executives claiming we have to compete for this market, a market that does not care what an agent knows. If the market does not care what an agent knows, then they are not going to value the agent and therefore, the agent is obsolete to this market. Marketing the agents' knowledge to people that could not care less about agents' knowledge is just a

continued on page 14

Chris Burand is president of Burand & Associates, LLC, an insurance agency consulting firm. Readers may contact Chris at (719) 485-3868 or by e-mail at chris@burand-associates.com.



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2015 ACT Meeting In conjunction with the Big "I" Fall Leadership Conference

**New Orleans
October 1-3, 2015**

Our Meeting will include a number of discussions on;

- the impact of **Telematics** to our distribution channel,
- a panel discussion on **Vendor Cyber Issues**,
- an update from discussions on **Real Time Commercial Lines** functionality,
- the acceleration of Google and other **Disruptors**,
and additional industry issues.

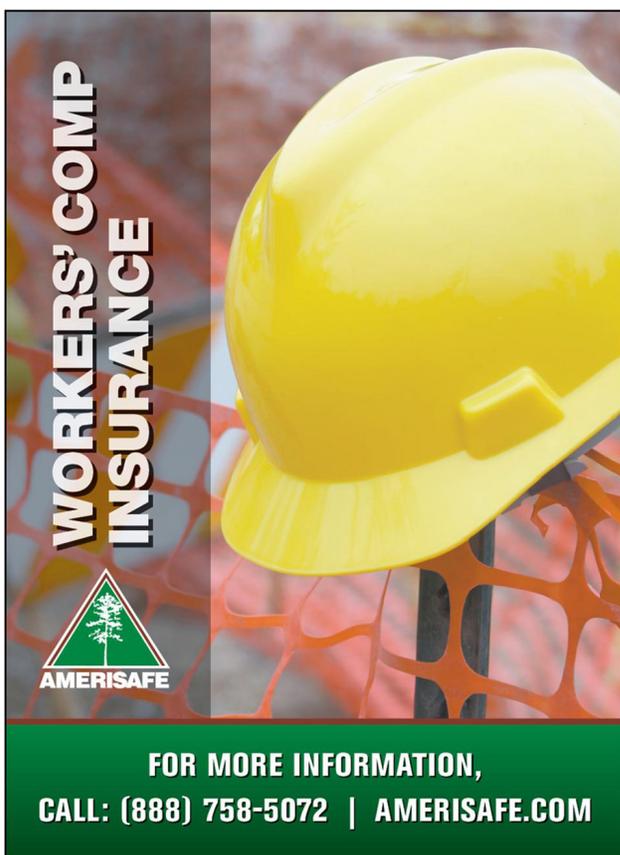
For the ACT Meeting registration, please [**CLICK HERE**](#).

ACT Meeting Location:

The Roosevelt New Orleans – *As a part of the IIABA Fall Leadership Conference*

ACT Attendee Hotel/Lodging:

Hilton Garden Inn French Quarter - *5 minute walk to Roosevelt New Orleans*



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ACT Meeting Agenda:

Thursday, Oct 1:

5:30p-7:00p FLC/ACT Welcome
Reception

7:00p-10:00p ACT Dinner

Friday, Oct 2:

9:00a-12:00p Special Event–Combined
ACT/Young Agent sessions

12:00p-1:00p ACT Lunch

1:00p-5:00p ACT Meeting

Click [here](#) for the complete agenda.

Is Insurance Knowledge Important? (continued)

waste of money, time, effort, and hope.

If agents want to make themselves viable, they have to bring value to the table and that value must be more than a price. Computers can bring price faster and cheaper than humans. The human value is knowledge. Fortunately a great percentage of the market still cares about buying from a resource that offers personal knowledge. Unfortunately, I see too many producers literally running away from knowledge. Here is the proof: When I ask producers why they do not use coverage checklists, they regularly tell me they do not use them because they're afraid the customer will

ask them about a coverage for which they do not have knowledge! Think about this! They think the consumer values knowledge but they refuse to gain the knowledge they think the consumer wants! Those producers should just find another career.

Think about this a different way. Do you want a doctor whom, because he does not understand cardiac medicine, refuses to test or discuss cardiac issues? These consumers want to buy from a professional who understands their needs and can match their needs to the prices AND products available. At this moment, only professional independent agencies can

do this. These people and businesses are the market. Do not run away! Embrace this market and gain the knowledge required to meet this market.

A key difference between the younger generation and older generations in the industry is that knowledge used to be less important because company underwriters knew much more and producers could rely on their underwriter's knowledge. Company underwriters today, as a rule, with some exceptions, do not know coverages nearly as well. Deficiencies create opportunity and this is a great opportunity because a majority of

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Is Insurance Knowledge Important? (continued)

people never will expend enough adequate effort to gain adequate technical knowledge. Those that do gain extensive coverage and exposure knowledge will have a competitive advantage that will endure.

Moreover, much to the disbelief of some, Google does not offer all the answers. A consumer cannot competently look up coverages whenever they need and apply them correctly. Truly understanding coverages and forms requires a full understanding and context. This is what a large and important consumer segment and a huge proportion of the B2B segment clearly want from their agent so why not give

them what they want just like so many agents are willing to give I.D. card shoppers what they want?

The alternative is that if knowledge is not advertised and emphasized, the rest of the market will eventually turn into commodity seekers too. Several new research studies suggest the small commercial market is already turning that direction. The small commercial market is the bread and butter of many agencies. Are you ready to lose those clients too?

Technical insurance knowledge is a great asset. Sometimes the people possessing the most of this asset are not the greatest salespeople and sometimes

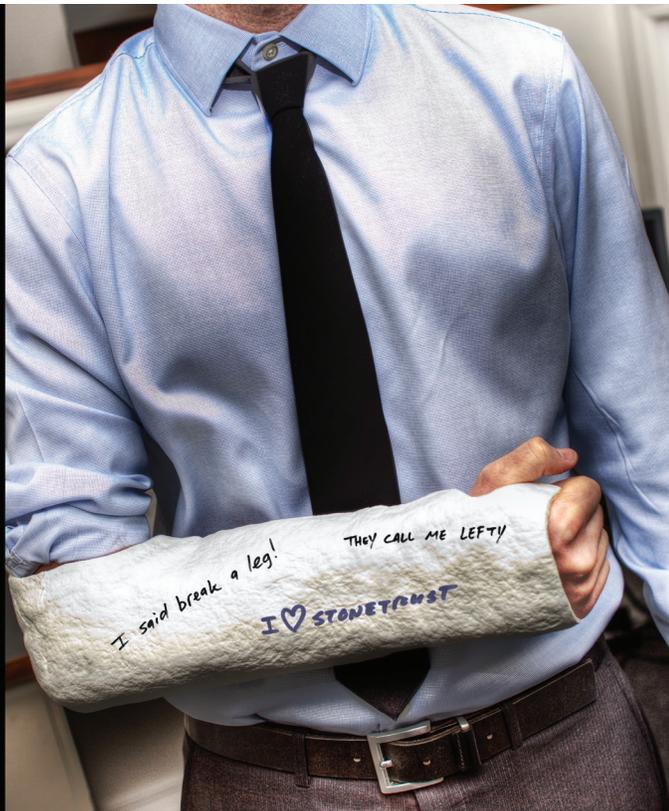
the best salespeople are just not geared to possess considerable insurance knowledge. This is no reason to ignore the opportunity and in fact, ignore the opportunity at your own peril because if you do not provide the client knowledge, someone else eventually will. Perhaps the best solution is to create a team which combines knowledge with sales skills. Creating a team may result in less commission to the producer but it will gain the producer more sales more than making up the difference.

Knowledge makes a positive difference. Gain and use knowledge or let the competition take advantage of your ignorance.

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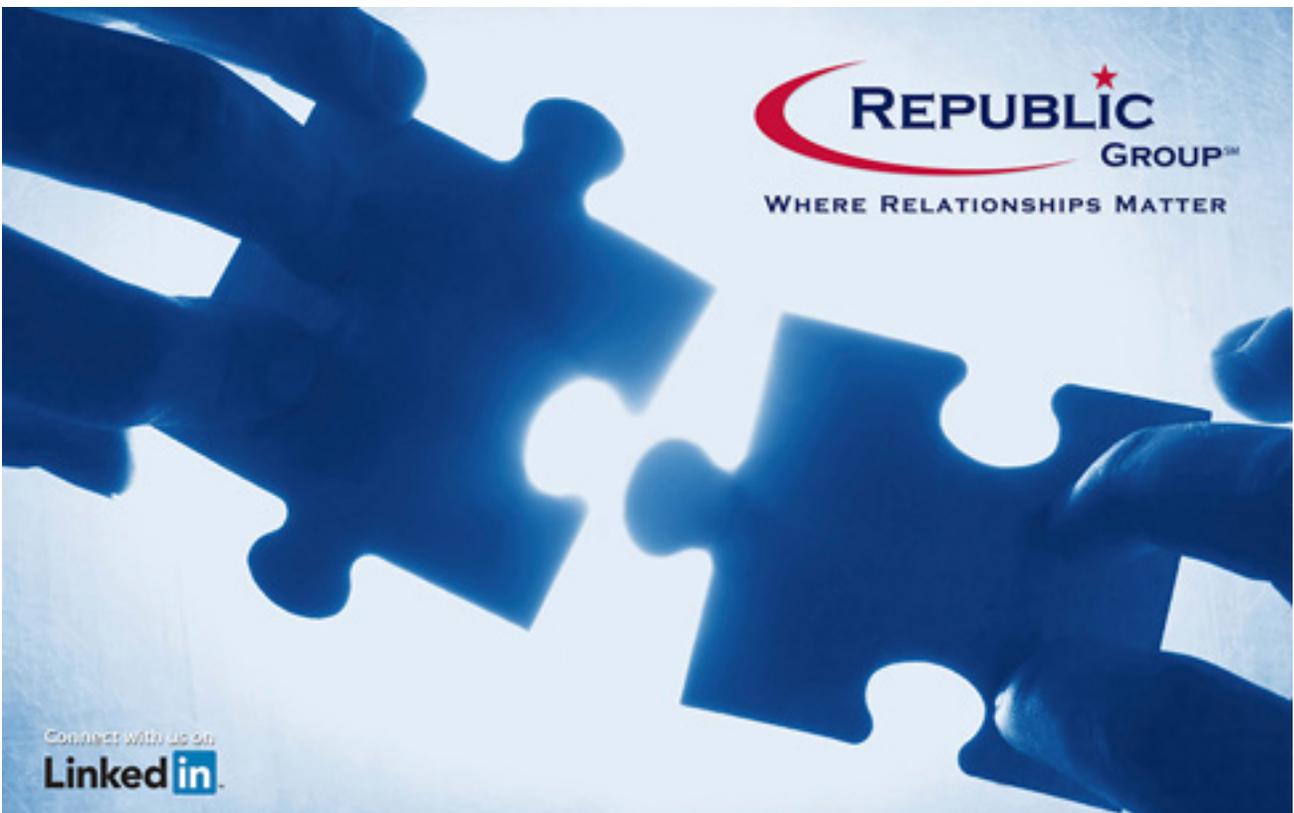




IIABL Upcoming Education Events

Sept 15, 2015	<u>E&O Risk Management</u> Instructor: Diane Powers	Bossier City 9am – 4pm
Sept 16, 2015	<u>E&O Risk Management</u> Instructor: Diane Powers	Lafayette 9am – 4pm
Sept 17, 2015	<u>E&O Risk Management</u> Instructor: Diane Powers	Covington 9am – 4pm
Sept 18, 2015	<u>E&O Risk Management</u> Instructor: Diane Powers (Approved for 6 hours CE & 3 hours Ethics)	Kenner 9am – 4pm

For additional information or to register online, click [here](#).





IIABL Upcoming Education Webcast

Sept 16, 2015	<u>National Flood Insurance Program: Basic Course- Updated through 2014</u> 3 Hours CE	Webcast 9am – 12pm & 2pm – 5pm
Sept 17, 2015	<u>E&O Risk Management 6 Hour</u> 6 Hours CE including 3 Hours Ethics	Webcast
Sept 17, 2015	<u>E&O Risk Management Part 1</u> 3 Hours CE including 3 Hours Ethics	Webcast
Sept 17, 2015	<u>E&O Risk Management Part 2</u> 3 Hours CE including 3 Hours Ethics	Webcast
Sept 17, 2015	<u>Certificates of Insurance</u> 3 Hours CE	Webcast 9am – 12pm
Sept 17, 2015	<u>Ethics and Business</u> 3 Hours Ethics	Webcast
Sept 17, 2015	<u>Personal Lines Claims That Cause Problems</u> 2 Hours CE	Webcast
Sept 22, 2015	<u>Commercial Property Endorsements That Can Make You Money!</u> 2 Hours CE	Webcast



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Company	Coverage Type	% of Impact \$ of Impact	# of Policy- holders	Requested Effective Date
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State Farm & Casualty Company State Farm Mutual Automobile Ins.	19 - Private Pas- senger Automobile	+4.1 % \$633,474	50,541	New: 09/14/2015 Renewal: 09/14/2015
State Farm & Casualty Company State Farm Mutual Automobile Ins.	19 - Private Pas- senger Automobile	3.9% \$46,696,313	105,2596	New: 10/05/2015 Renewal: 10/05/2015
ASI Lloyds	4 - Homeowners	-0.3% \$-261, 813	42,348	New: 05/07/2015 Renewal: 07/05/2015
Property Insurance Association of La.	5 - Commercial Multiple Peril	5.8% \$6,075,275	173,833	New: 03/01/2016 Renewal: 03/01/2016

Additional rate filing information can be found on the Louisiana Department of Insurance website by clicking here. If you have questions, you may contact the Office of Property and Casualty Insurance Rating and Policy Forms Division at: (800) 259-5300 Toll free or (225) 342-5203 Louisiana.

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COMMISSIONER JIM DONELON

The Enhanced Value of an Agent amid the Growing Use of Technology in Insurance

The expanding use of technology may lead agents to sometimes feel like their necessity is being threatened by the convenience of online insurance sites. But an agent's knowledge, experience and personal advice tailored to a consumer's specific situation will always be necessary. While many consumers do their insurance homework and obtain quotes online, the interactions they have with the agent are critical, especially if they have to file a claim.

Insurance consumers now expect 24/7 access to policy information, required documents and forms, and the ability to pay premiums online. Insurance products, especially auto insurance, are now offered online

for consumers to obtain a quote and complete the purchase of a policy. However, other pertinent elements remain such as underwriting, billing and policy administration. Consumers still need a trusted advisor whose expertise can be combined with the ease of online services.

This point was underscored recently by Bob Rusbuldt, President and CEO of Independent Insurance Agent of America. He noted that while more than 70 percent of consumers will first research online before purchasing auto insurance, they still prefer to work with a local agent whenever possible.

One way agents are adapting and responding to this trend is by

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COMMISSIONER JIM DONELON (continued)

implementing a “digital store” to meet their client’s needs online. Agents can provide information on their website that allows clients to browse various insurance products, get the information they need to make a decision and make a purchase. Clients can self-service but still have access to the agent for any advice or clarification they may need. Agents can also create expanded portfolios of insurance products for their clients that go beyond the typical “auto and homeowner” bundle by including dental, vision, disability, term life, long-term care, accident, critical illness and even pet insurance.

Modern insurance consumers expect to have immediate contact with their agents through click-to-chat or click-to-call on their smartphones, as well as access to E-signatures and fillable online forms that make communication and business transactions move through much faster. Agency/broker portals and mobile services are a must in today’s digital world.

Using Social Media in Insurance

Social media is increasingly being used by consumers for information and peer recommendations in making buying decisions, including insurance services. According to an Accenture 2013 Consumer-Driven Innovation Study published in Property and Casualty 360, nearly half of the insurance customers surveyed said they would consider comments on social media in making their insurance buying decisions. And more than half said they would use one or more insurance services offered through social media. These numbers correspond with statistics released in the National Association of Insurance Commissioners (NAIC) White Paper “The use of Social Media in Insurance” which states that 90 percent of consumers trust peer recommendations, whereas only 14 percent

trust advertisements. According to the NAIC White Paper, insurance companies are using social media to increase visibility, enhance familiarity, develop relationships, build trust and generate exposure.

Agents can use social media to make personal connections with policyholders to better humanize the company’s brand and create more customer satisfaction with your company. There are many ways agents can benefit from using social media, including as an avenue to provide marketplace insight to clients, generate leads to grow your client base, receive market and client feedback, and network with other agents.

During a disaster, social media can become an invaluable tool for contacting clients, directing them to available aid and services, and guiding them

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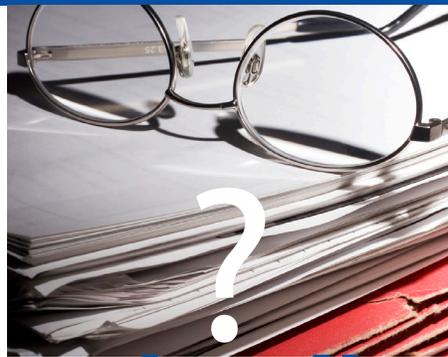
Q. One of my insureds needs a certificate of insurance which shows that his BAP and CGL include "cross liability or severability of interests." I know the CGL provides that, but I don't see a similar provision in the BAP. Am I overlooking it, or is it available through an endorsement? Also, what wording would you suggest I put on the certificate?

A. If certificates of insurance were an animal, they would be porcupines – handle with care! For the discussion which follows, assume all coverage forms are based ISO (Insurance Services Office). Proprietary forms may be different.

Overview: "Cross liability" and its variations

"Cross liability" essentially permits suits ("cross suits") between insureds in the same policy. That is, the policy provides coverage when one insured sues another insured. However, the term "cross liability" rarely appears in any coverage form (although for some strange reason it seems to appear frequently in certificate requests). Instead, other terms are used to provide the same coverage. For example, the CGL uses the term "separation of insureds," while Homeowners uses "severability of insurance."

CGL (Commercial General



Ask Mike

IIABL Director of Education, Mike Edwards is available to answer technical questions from IIABL members. To submit a technical question, contact Mike Edwards, CPCU, AAI, at medwards65@aol.com or call (678) 513-4390.

Subject: Certificate of Insurance Required to Verify That Cross Liability Included on BAP.

Liability)

Excerpt:

**CG 00 01 04 13
Commercial General
Liability Coverage Form
Section IV -
Commercial General Liability
Conditions**

7. Separation Of Insureds

Except with respect to the Limits of Insurance, and any rights or duties specifically assigned in this Coverage Part to the first Named Insured, this insurance applies:

a. As if each Named Insured were the only Named Insured; and

b. Separately to each insured against whom claim is made or "suit" is brought.

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Homeowners

**HO 00 03 05 11
Homeowners 3 –
Special Form
Section II –
Conditions**

**B. Severability Of
Insurance**

This insurance applies separately to each "insured". This condition will not increase our limit of liability for any one "occurrence".

Business Auto Policy

**CA 00 01 10 14
Business Auto
Coverage Form
Section V –
Definitions**

G. "Insured" means any person or organization qualifying as an insured in the Who Is An Insured provision of the applicable coverage. Except with respect to the Limit of Insurance, the coverage afforded applies separately to each insured who is seeking coverage or against whom a claim or "suit" is brought.

Comment: Unlike CGL and HO, the severability language in the BAP is not found in a specific provision by that title. But a careful comparison of all three excerpts amply demonstrates that the BAP does include such coverage, since cross

Ask Mike

continued

liability is inherently understood to be based on severability or separation of insureds, which is referenced in the definition of "insured" in the BAP.

Personal Auto Policy

**PP 00 01 01 05
Personal Auto
Policy
Part A – Liability
Coverage Insuring
Agreement**

A. We will pay damages for "bodily injury" or "property damage" for which any "insured" becomes legally

responsible because of an auto accident.

Comment: The reference to "any insured" is as close as the PAP gets to "severability or separation of insureds." Nonetheless, as in the CGL, HO, and BAP, the PAP constructs the policy to provide coverage to each insured separately.

General comment on "cross liability" vs "severability"

Cross liability generally means one insured can sue another insured under the same policy. The contractual mechanism that creates this is to separate the insureds, clone the policy, and give each insured a copy of that policy, with each insured as the only insured in his or

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Ask Mike

continued

Here is a vivid illustration of why so many entities require that they be added as additional insureds, and also that cross liability be included on insurance policies of contractors working for them. These are excerpts from the Insurance Requirements of a large city:

(1) The City shall be added as an additional insured to your general liability insurance, where your actions or operations injure a third party for which a claim may be filed against you and/or the City.

(2) Your general liability policy must include a cross

liability or severability of interests clause. This must allow the City to file a claim against you if your actions or operations injure the City.

In other words, the City wants to be an additional insured under the contractor's policy, to protect the City, and at the same time, the City wants to be able to sue the contractor under the contractor's own CGL. This is a perfect example of a variation of the Golden Rule: "He who has the gold makes the rules."

The ISO CGL, HO, BAP and PAP do not exclude suits

between insureds, with a few exceptions such as intra-family exclusions, or fellow-employee exclusion, etc.

While severability opens the door to cross liability, it also serves another function. By each insured having his or her own copy of the policy, the exclusions apply separately to each insured. For example, an intentional act by one insured would not necessarily apply to other insureds (parent-child, or employee-employer situations). This creates a legal conflict between certain exclusions "(intentional acts," or "care, custody or control," for example) and severability of interests provisions. One wild card



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in such litigation is who the exclusion is aimed at: "the insured," "an insured," or "any insured."

Lastly, while cross liability is automatically included in most mainstream policies such as those discussed above, that's not to say that in certain situations, insurers don't exclude cross liability.

Certificate of Insurance issues.

As to your question about what wording to use on the certificate to indicate that "cross liability or severability of interests" is included in the CGL and BAP, that would depend in part on the format of the certificate. I have seen proprietary certificates that have a checkbox for "cross

Ask Mike

continued

liability or severability of interests," but the ACORD 25 Certificate of Liability Insurance does not. Experts differ on how to handle such situations. The most conservative, cautious recommendation is to add nothing on the certificate that attempts to explain, describe, or affirm coverage, terms or conditions.

In recent years, there has been a tsunami of requests/demands that specific language be added to a certificate. In subsequent E&O litigation, this often ends badly for the agency. Note also that the only place on the ACORD 25 where any

remarks can be added is in the "Description of Operations/Locations/Vehicles" section near the bottom of the form. However, the ACORD Forms Instruction Guide ("FIG") says that the remarks should be limited to "information necessary to identify the operations, locations, and vehicles for which the certificate is issued."

In addition, some states – including Louisiana – have passed legislation greatly restricting the use of certificates, including what can be added to a certificate. See discussion in next section.

One option some experts recommend is to send the certificate holder either

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a copy of the policy, or the specific page that addresses the issue, and in the "Description of Operations/ Locations/Vehicles" section just add "See attached."

Louisiana law on certificates

In 2010, the Louisiana Legislature passed HB 477 (Act 1017 – effective 1-1-11), which established guidelines and restrictions on certificates of insurance. The Independent Insurance Agents & Brokers of Louisiana issued Technical Advisory #295, which provides a detailed explanation of the new law. See link below, in "Additional Information" section.

Here is a brief excerpt from the Technical Advisory, which

Ask Mike

continued

is very pertinent to the issues discussed in this article:

In very simple terms, Act 1017 and LDI Regulation 99 centers around two fundamental requirements which may serve as guiding principles for compliance. First, all certificate of insurance forms must be approved by the Louisiana Department of Insurance before they may be used, and once approved, the form itself may not be altered without additional approval. Second, all approved

certificate of insurance forms which are issued must accurately reflect the underlying insurance policies, and may not include provisions unless they are found in the insurance contracts.

Additional information:

[IIABL Technical Advisory 295 Certificates of Insurance Resource Center](#)

These materials are intended for educational purposes only and should not be relied upon as legal advice. Please consult a qualified attorney for legal advice.

UM-ELECTRONIC-FORM WAIVER

Relying on a waiver of UM coverage, the insurer filed a motion for summary judgment, introducing an electronically signed waiver form. Though offering no evidence in opposition, the plaintiff argued that the insurer had failed to show that the name, date, initials and signature on the electronic form were attributable to him, and that the pre-filled letters «NA» on several lines on the form denied him the opportunity to make meaningful UM selections. **The Louisiana Fourth Circuit Court of Appeal disagrees, affirming summary judgment to the insurer.** First, the court finds that under the Louisiana Uniform Electronic Transactions Act, La. R.S. 9:2601 *et seq.*, a record or signature cannot be denied legal effect because it is in electronic form. Second, the court finds that the plaintiff introduced no evidence that he wanted other coverage or was confused by the form. *Rapalo-Alfaro v. Lee*, 2015-0209 (La. App. 4 Cir. 8/12/15).



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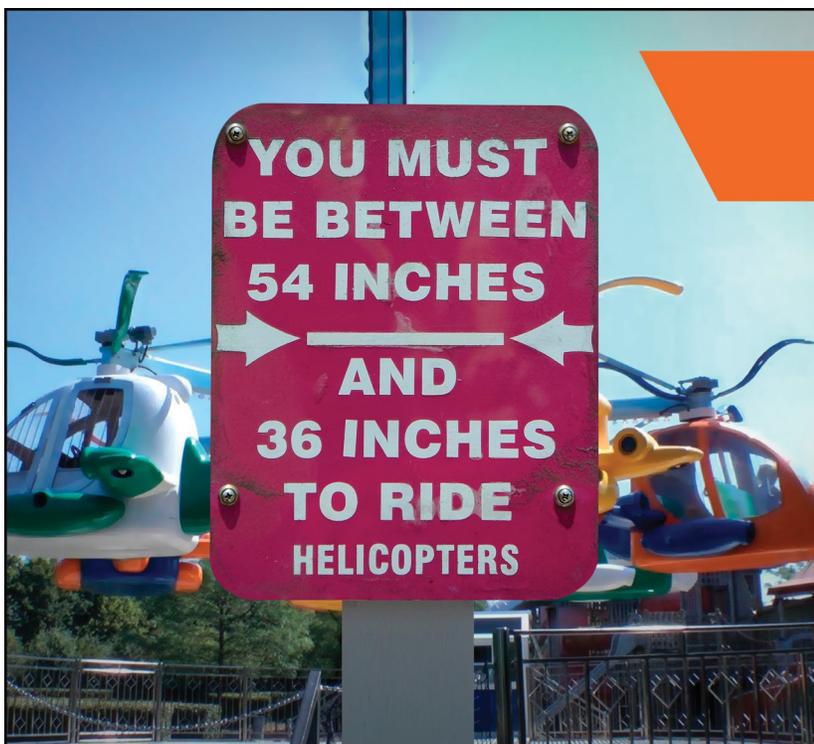
through the claims process. During our recent Hurricane Katrina and Rita summit, agent panelists told of reaching out to customers through these unorthodox channels when all regular telephone and email portals were down following the storms. Being able to reach customers as soon as possible after traumatic events can make the claims process less stressful and more productive. This mode of contact could become instrumental if clients have to evacuate and the usual infrastructure is unavailable, making access to social media through a mobile device their primary source for information and communication.

If you do use social media in conducting the business of insurance, I would recommend utilizing the NAIC White Paper to learn best practices and make sure you are in compliance with existing laws and regulations involving advertising/marketing, trade practices, claims handling, record retention and use of social media as a fraud investigation tool. Also make sure you are familiar and in compliance with any social media policies established by the company you are representing.

The main areas insurance consumers look for help, both online and with an agent, include policy

information, guidance in the selection of a policy that is best for their individual circumstances, discount eligibility and information on how their premium is calculated. The key is to use technology to your advantage by increasing your digital presence, becoming more flexible in how you communicate with both your clients and your carriers, all the while exploring new ways to grow your book of business.

To access the NAIC White Paper, please visit www.naic.org or [click here](#). For additional information please contact the Office of Licensing at producerlicensing@ldi.la.gov.



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