

SERFF Tracking Number: ERCB-125934303 State: Arkansas
Filing Company: Westport Insurance Corporation State Tracking Number: EFT \$50
Company Tracking Number: AR-08-04082
TOI: 17.0 Other Liability-Occ/Claims Made Sub-TOI: 17.0020 Commercial Umbrella & Excess
Product Name: Umbrella Form Withdrawal Filing
Project Name/Number: Umbrella Form Withdrawal Filing/AR-08-04082

Filing at a Glance

Company: Westport Insurance Corporation

Product Name: Umbrella Form Withdrawal Filing

TOI: 17.0 Other Liability-Occ/Claims Made

Sub-TOI: 17.0020 Commercial Umbrella & Excess

Filing Type: Form

SERFF Tr Num: ERCB-125934303 State: Arkansas

SERFF Status: Closed

Co Tr Num: AR-08-04082

Co Status:

Author: Rod Clark

Date Submitted: 12/05/2008

State Tr Num: EFT \$50

State Status: Fees verified and received

Reviewer(s): Betty Montesi, Edith Roberts

Disposition Date: 12/11/2008

Disposition Status: Approved

Effective Date (New):

Effective Date (Renewal):

Effective Date Requested (New): 02/01/2009

Effective Date Requested (Renewal): 02/01/2009

State Filing Description:

General Information

Project Name: Umbrella Form Withdrawal Filing

Project Number: AR-08-04082

Reference Organization:

Reference Title:

Filing Status Changed: 12/11/2008

State Status Changed: 12/11/2008

Corresponding Filing Tracking Number:

Filing Description:

On behalf of Westport Insurance Corporation, we wish to withdraw the following endorsements from our Commercial Excess and Umbrella program:

Status of Filing in Domicile: Pending

Domicile Status Comments:

Reference Number:

Advisory Org. Circular:

Deemer Date:

SP 2 729 0503 - Exclusion of Certified Acts of Terrorism and Other Acts of Terrorism - No Dropdown

SP 2 730 0503 - Exclusion of Punitive Damages Related to a Certified Act of Terrorism

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Correspondence Summary

Dispositions

Status	Created By	Created On	Date Submitted
Approved	Edith Roberts	12/11/2008	12/11/2008

SERFF Tracking Number: *ERCB-125934303* *State:* *Arkansas*
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Disposition

Disposition Date: 12/11/2008

Effective Date (New):

Effective Date (Renewal):

Status: Approved

Comment: Withdrawal is approved.

Rate data does NOT apply to filing.

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Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability	Attachment
Withdrawn	Exclusion of Certified Acts of Terrorism and Other Acts of Terrorism - No Dropdown	SP 2 729	0503	Endorsement/Amendment/Conditions	Replaced Form #: Previous Filing #:		SP 2 729 0503.pdf
Withdrawn	Exclusion of Punitive Damages Related to a Certified Act of Terrorism	SP 2 730	0503	Endorsement/Amendment/Conditions	Replaced Form #: Previous Filing #:		SP 2 730 0503.pdf

Westport Insurance Corporation

This Endorsement Changes the Policy - Please Read it Carefully

EXCLUSION OF CERTIFIED ACTS OF TERRORISM AND OTHER ACTS OF TERRORISM – NO DROPDOWN

This endorsement modifies insurance provided under the following:

COMMERCIAL LIABILITY UMBRELLA COVERAGE PART
EXCESS LIABILITY POLICY

A. The following exclusion is added:

This insurance does not apply to:

TERRORISM

"Any injury or damage" arising, directly or indirectly, out of a "certified act of terrorism" or an "other act of terrorism". However, with respect to an "other act of terrorism", this exclusion applies only when one or more of the following are attributed to such act:

1. The total of insured damage to all types of property exceeds \$25,000,000. In determining whether the \$25,000,000 threshold is exceeded, we will include all insured damage sustained by property of all persons and entities affected by the terrorism and business interruption losses sustained by owners or occupants of the damaged property. For the purpose of this provision, insured damage means damage that is covered by any insurance plus damage that would be covered by any insurance but for the application of any terrorism exclusions; or
2. Fifty or more persons sustain death or serious physical injury. For the purposes of this provision, serious physical injury means:
 - a. Physical injury that involves a substantial risk of death; or
 - b. Protracted and obvious physical disfigurement; or
 - c. Protracted loss of or impairment of the function of a bodily member or organ; or
3. The terrorism involves the use, release or escape of nuclear materials, or directly or indirectly results in nuclear reaction or radiation or radioactive contamination; or
4. The terrorism is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or
5. Pathogenic or poisonous biological or chemical materials are released, and it appears that one purpose of the terrorism was to release such materials.

With respect to this exclusion, Paragraphs 1. and 2. describe the thresholds used to measure the magnitude of an incident of an "other act of terrorism" and the circumstances in which the threshold will apply for the purpose of determining whether this exclusion will apply to that incident.

In the event that the “underlying insurance” primary insurance does not provide coverage for “Other Act(s) of Terrorism,” the insurance provided by this policy shall not replace the “underlying insurance,” but shall apply in the same manner as though such “underlying insurance” was available and collectible.

B. The following definitions are added:

- 1.** For the purposes of this endorsement, "any injury or damage" means any injury or damage covered under any Coverage Part or underlying insurance to which this endorsement is applicable, and includes but is not limited to "bodily injury", "property damage", "personal and advertising injury", "injury" or "environmental damage" as may be defined in any applicable Coverage Part or underlying insurance.
- 2.** "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act of 2002. The federal Terrorism Risk Insurance Act of 2002 sets forth the following criteria for a "certified act of terrorism":
 - a.** The act resulted in aggregate losses in excess of \$5 million; and
 - b.** The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.
- 3.** "Other act of terrorism" means a violent act or an act that is dangerous to human life, property or infrastructure that is committed by an individual or individuals and that appears to be part of an effort to coerce a civilian population or to influence the policy or affect the conduct of any government by coercion, and the act is not certified as a terrorist act pursuant to the federal Terrorism Risk Insurance Act of 2002. Multiple incidents of an "other act of terrorism" which occur within a seventy-two hour period and appear to be carried out in concert or to have a related purpose or common leadership shall be considered to be one incident.

C. In the event of any incident of a "certified act of terrorism" or an "other act of terrorism" that is not subject to this exclusion, coverage does not apply to any loss or damage that is otherwise excluded under this Coverage Part.

Westport Insurance Corporation

This Endorsement Changes the Policy - Please Read it Carefully

EXCLUSION OF PUNITIVE DAMAGES RELATED TO A CERTIFIED ACT OF TERRORISM

This endorsement modifies insurance provided under the following:

EXCESS LIABILITY POLICY

A. The following exclusion is added:

This insurance does not apply to:

TERRORISM PUNITIVE DAMAGES

Damages arising, directly or indirectly, out of a "certified act of terrorism" that are awarded as punitive damages.

B. The following definition is added:

"Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act of 2002. The federal Terrorism Risk Insurance Act of 2002 sets forth the following criteria for a "certified act of terrorism":

1. The act resulted in aggregate losses in excess of \$5 million; and
2. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

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