

SERFF Tracking Number: AERO-125459809 State: Arkansas  
Filing Company: Phoenix Indemnity Insurance Company State Tracking Number: #13517 \$50  
Company Tracking Number: AP AR 99-01-08-001  
TOI: 22.0 Aircraft Sub-TOI: 22.0000 Aircraft  
Product Name: Broad Form Airport Liability Program  
Project Name/Number: Broad Form Airport Liability - Terrorism Form Filing/AP AR 99-01-08-001

## Filing at a Glance

Company: Phoenix Indemnity Insurance Company

Product Name: Broad Form Airport Liability SERFF Tr Num: AERO-125459809 State: Arkansas

Program

TOI: 22.0 Aircraft

SERFF Status: Closed

State Tr Num: #13517 \$50

Sub-TOI: 22.0000 Aircraft

Co Tr Num: AP AR 99-01-08-001

State Status: Fees verified and received

Filing Type: Form

Co Status:

Reviewer(s): Betty Montesi, Llyweyia Rawlins, Brittany Yielding

Authors: Tom Murphy, Chris Smith

Disposition Date: 02/22/2008

Date Submitted: 02/08/2008

Disposition Status: Approved

Effective Date Requested (New): 02/15/2008

Effective Date (New): 02/01/2008

Effective Date Requested (Renewal): 02/15/2008

Effective Date (Renewal): 02/01/2008

State Filing Description:

## General Information

Project Name: Broad Form Airport Liability - Terrorism Form Filing

Status of Filing in Domicile: Authorized

Project Number: AP AR 99-01-08-001

Domicile Status Comments:

Reference Organization: NONE

Reference Number:

Reference Title:

Advisory Org. Circular:

Filing Status Changed: 02/22/2008

State Status Changed: 02/15/2008

Deemer Date:

Corresponding Filing Tracking Number:

Filing Description:

The Phoenix Indemnity Insurance Company (PIIC) – Broad Form Airport Liability 2000 Program is approved for use in your state. This filing updates the initial filing as respects to the federal Terrorism Risk Insurance Act. PIIC is filing the new forms under the Fast Track "file & use" procedure as it applies to this filing.

The Broad Form Airport Liability 2000 Program Forms that are propose for our Broad Form Airport Liability Program

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were developed after review of several research sources such as the Terrorism Insurance Risk Act, NA1C Bul-letins, and ISO's Circular distributions. The PIIC proposed Broad Form Airport Liability 2000 Program Forms language tracks the ISO proposed Forms with only a format change that follows The PIIC Broad Form Airport Liability 2000 Policy.

## Company and Contact

### Filing Contact Information

Thomas Murphy, Compliance Officer tmurphy@aerospaceim.com  
 14990 Landmark Blvd., Suite 300 (972) 852-1200 [Phone]  
 Dallas, TX 75254 (972) 852-1212[FAX]

### Filing Company Information

Phoenix Indemnity Insurance Company CoCode: 34037 State of Domicile: Arizona  
 14651 Dallas Parkway Group Code: 3478 Company Type: Property & Casualty  
 Suite 400  
 Dallas, TX 75254 Group Name: Hallmark Financial State ID Number:  
 Group  
 (972) 934-2400 ext. [Phone] FEIN Number: 47-0718164  
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## Filing Fees

Fee Required? Yes  
 Fee Amount: \$50.00  
 Retaliatory? No  
 Fee Explanation:  
 Per Company: No

CHECK NUMBER	CHECK AMOUNT	CHECK DATE
013517	\$50.00	02/05/2008

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## Correspondence Summary

### Dispositions

Status	Created By	Created On	Date Submitted
Approved	Llyweyia Rawlins	02/22/2008	02/22/2008

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## **Disposition**

Disposition Date: 02/22/2008

Effective Date (New): 02/01/2008

Effective Date (Renewal): 02/01/2008

Status: Approved

Comment:

Rate data does NOT apply to filing.

SERFF Tracking Number: AERO-125459809 State: Arkansas  
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Item Type	Item Name	Item Status	Public Access
Supporting Document	Uniform Transmittal Document-Property & Casualty	Approved	Yes
Supporting Document	SUPPORTING DOCUMENTS	Approved	Yes
Form	Cap On Losses From Certified Acts of Terrorism	Approved	Yes
Form	Exclusion of Certified Acts of Terrorism	Approved	Yes

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## Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability	Attachment
Approved	Cap On Losses From Certified Acts of Terrorism	AP2003B	(01/08)	Endorsement/Amendment/Conditions	Replaced Form #:0.00 AP2003B (12,02) Previous Filing #:		AP2003B (01-08).pdf AP2003B R (01-08).pdf
Approved	Exclusion of Certified Acts of Terrorism	AP2003C	(01/08)	Endorsement/Amendment/Conditions	Replaced Form #:0.00 AP2003C (12/02) Previous Filing #:		AP2003C (01-08).pdf AP2003C R (01-08).pdf

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## Cap On Losses From Certified Acts Of Terrorism

If aggregate insured losses attributable to terrorist acts certified under the federal Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and **we** have met **our** insurer deductible under the Terrorism Risk Insurance Act, **we** shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

**Certified acts 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 Terrorism Risk Insurance Act. The criteria contained in the Terrorism Risk Insurance Act for a **certified act of terrorism** include the following:

1. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; 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 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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The following information is required only when the effective date of this endorsement is subsequent to the Policy effective date.

This endorsement is Endorsement No.  
This endorsement is effective on  
Attached to and forming a part of Policy No.  
Issued to (First Named Insured):  
Additional Premium:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## Cap On Losses From Certified Acts Of Terrorism

~~With respect to any one or more **certified acts of terrorism**, we will not pay any amounts for which we are not responsible under the terms of the federal Terrorism Risk Insurance Act of 2005 (including subsequent acts of Congress pursuant to the Act) due to the application of any clause which results in a cap on our liability for payments for terrorism losses.~~

~~If aggregate insured losses attributable to terrorist acts certified under the federal Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.~~

**Certified acts 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 2005~~. The ~~federal criteria contained in the~~ Terrorism Risk Insurance Act ~~of 2005 sets forth for a~~ **certified act of terrorism** include the following ~~criteria for certified acts of terrorism~~:

- ~~1. 1.~~—The act resulted in ~~aggregate property and casualty insurance insured~~ losses in excess of \$5 million ~~in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act~~; and
- ~~2. 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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Attached to and forming a part of Policy No.  
Issued to (First Named Insured):  
Additional Premium:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## Exclusion Of Certified Acts Of Terrorism

The following exclusion is added to **PART IV EXCLUSIONS Paragraph 19** : This Policy does not apply to:

### 19 TERRORISM

**A. Any injury or damage** arising, directly or indirectly, out of a **certified act of terrorism**.

**B.** The following definitions are added:

1. For the purposes of this endorsement, **any injury or damage** means any injury or damage covered under the Policy to which this endorsement is applicable, and includes but is not limited to **bodily injury, property damage, personal** and **advertising injury**, as may be defined in the Policy.
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. The criteria contained in the Terrorism Risk Insurance Act for **certified act of terrorism** include the following:
  - a. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; 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 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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This endorsement is effective on  
Attached to and forming a part of Policy No.  
Issued to (First Named Insured):  
Additional Premium:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## Exclusion Of Certified Acts Of Terrorism

The following exclusion is added to **PART IV EXCLUSIONS Paragraph 19**: This Policy does not apply to:

### **19 TERRORISM**

**A. Any injury or damage** arising, directly or indirectly, out of a **certified act of terrorism**.

**B.** The following definitions are added:

**1.** For the purposes of this endorsement, **any injury or damage** means any injury or damage covered under the Policy to which this endorsement is applicable, and includes but is not limited to **bodily injury, property damage, personal injury and advertising injury**, as may be defined in the Policy.

**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 criteria contained in the Terrorism Risk Insurance Act of 2002 sets forth the following criteria~~ for a **certified act of terrorism** include the following:

~~1.a.~~ The act resulted in ~~aggregate property and casualty insurance insured~~ losses in excess of \$5 million, ~~in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act;~~ and

~~2.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.

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The following information is required only when the effective date of this endorsement is subsequent to the Policy effective date.

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Additional Premium:

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## **Rate Information**

Rate data does NOT apply to filing.

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## Supporting Document Schedules

**Satisfied -Name:** Uniform Transmittal Document-  
Property & Casualty **Review Status:** Approved 02/22/2008

**Comments:**  
NAIC TERRORISM FORM FILING TRANSMITTAL ATTACHED.

**Attachment:**  
AP AR 99-01-08-001.pdf

**Satisfied -Name:** SUPPORTING DOCUMENTS **Review Status:** Approved 02/22/2008

**Comments:**  
COMPANY FILING LETTER OF AUTHORIZATION ATTACHED  
POLICYHOLDER DISCLOSURES ATTACHED.

**Attachments:**  
PIIC Filing Authorization Ltr.pdf  
AP LIA PHT 002 (01-08).pdf  
AP LIA PHT 003 (01-08).pdf

**EXPEDITED FILING TRANSMITTAL DOCUMENT**

**FOR TERRORISM**

This page applies to the following state(s) AZ, IA, MI, MS, NV, OH, PA, RI, UT

Indicate Type of Filing
<input type="checkbox"/> Filing Related to <i>Certified Losses</i>
<input type="checkbox"/> Filing Related to <i>Non-Certified Losses</i>
<input checked="" type="checkbox"/> Filing Applicable to Both Certified and Non-Certified Losses

Department Use only

Company Name(s)	Domicile	NAIC #	FEIN #
Phoenix Indemnity Insurance Company	Arizona	34037	47-0718164

**Contact Info for Filer**

Name and address of Filer(s)	Telephone #	FAX #	e-mail
Thomas A. Murphy 14990 Landmark Blvd., Suite 300 Dallas, Texas 75254	(888) 880-1289	(972) 852.1212	tmurpju@aerospaceim.com

**Filing information**

<b>Line of Insurance</b> (see attachment)	Aircraft ASL 22
<b>Company Program Title</b> (Marketing title) (if applicable)	Broad Form Airport Liability 2000 Program
<b>Filing Type</b> ** see note below	Terrorism Form Filing
<b>This application is used with:</b>	Broad Form Airport Liability 2000 Policy
<b>Effective Date Requested</b>	February 1, 2008
<b>Filing date</b>	January 28, 2008
<b>Company Tracking Number</b>	AP AZ 99 01-08-001
<b>Date filing approved in domiciliary state, if applicable</b>	Approved February 1, 2008

	<u>Component/Form Name /Description/Synopsis</u>	<u>Form # or Rate Page Include edition date</u>	<u>Replacement Or withdrawn?</u>	<u>If replacement, give form # or rate page(s) it replaces</u>	<u>Previous State Filing Number, if required by state</u>
01	Cap On Losses From Certified Acts of Terrorism	AP2003B (01/08)	<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither	AP2003B (12/02)	
02	Exclusion of Certified Acts of Terrorism	AP2003C (01/08)	<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither	AP2003C (12/02)	

To be complete, a form filing must include the following:

- A completed Expedited Filing Transmittal Document for each insurer or advisory organization.
- One copy of each endorsement, disclosure form or other policy language, unless the insurer has given an advisory organization authorization to file them on its behalf.
- A copy of the rates, rating systems and supporting documentation.
- The appropriate filing fees, if required.
- A postage-paid, self-addressed envelope **large enough to accommodate the return.**

The insurer(s) submitting this filing certifies that it:

- Is in compliance with the terms of the Terrorism Risk Insurance Act, as amended, and the laws of this state; and
- Is in compliance with the requirements of the bulletin containing the voluntary expedited filing procedures.

  
Signature

Thomas A. Murphy  
Print Name:

Compliance Officer  
Title:



# Phoenix Indemnity Insurance Company

January 25, 2008

RE: *Designation of Filing Authority for the Phoenix Indemnity Insurance Company  
Aviation Insurance Programs*

Dear Commissioner:

Aerospace Insurance Managers, Inc. ("Aerospace") is authorized by the Phoenix Indemnity Insurance Company to submit filings on its behalf for a new aviation program.

The names and titles of the staff at Aerospace authorized to act on behalf of the Phoenix Indemnity Insurance Company with respect to the aviation program shown below. We presume that this letter constitutes sufficient notice to you of our designation of Aerospace Insurance Managers, Inc. as an authorized filer. Please do not hesitate to contact me with any questions.

Aerospace staff authorized to act on our behalf are as follows:

Thomas A. Murphy, Compliance Officer  
Christopher A. Smith, Underwriter

Sincerely,

Christopher C. Jones  
Vice President

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*A Subsidiary of Hallmark Financial Services, Inc.*

14651 Dallas Parkway, Suite 400 ♦ Dallas, Texas 75254 ♦ 972-934-2400 ♦ 972-788-0520

**POLICYHOLDER DISCLOSURE  
NOTICE OF TERRORISM  
INSURANCE COVERAGE**

Coverage for acts of terrorism is included in your policy. You are hereby notified that under the Terrorism Risk Insurance Act, as amended in 2007, the definition of act of terrorism has changed, As defined in Section 102(1) of the Act: The term "act of terrorism" means any act that is certified by the Secretary of the Treasury—in concurrence with the Secretary or State, and the Attorney General of the United States—to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by art individual or individuals 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. Under your coverage, any losses resulting from certified acts of terrorism may be partially reimbursed by the United States Government under a formula established by the Terrorism Risk Insurance Act, as amended. However, your policy may contain other exclusions which might affect your coverage, such as an exclusion for nuclear events. Under the formula, the United States Government generally reimburses 55% of covered terrorism losses exceeding the statutorily established deductible paid by the insurance company providing the coverage. The Terrorism Risk Insurance Act, as amended, contains a \$100 billion cap that limits US. Government reimbursement as well as insurers' liability for losses resulting from certified acts of terrorism when the amount of such losses exceeds \$100 billion in any one calendar year. If the aggregate insured losses for all insurers exceed \$100 billions, your coverage may be reduced.

The portion of your annual premium that is attributable to coverage for acts of terrorism is \_\_\_\_\_, and does not include any charges for the portion of losses covered by the United States government under the Act.

I ACKNOWLEDGE THAT I HAVE BEEN NOTIFIED THAT UNDER THE TERRORISM RISK INSURANCE ACT, AS AMENDED, ANY LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM UNDER MY POLICY COVERAGE MAY BE PARTIALLY REINBURSED BY THE UNITED STATES GOVERNMENT, MAY BE SUBJECT TO A \$100 BILLION CAP THAT MAY REDUCE MY COVERAGE AND I HAVE BEEN NOTIFIED OF THE PORTION OF MY PREMIUM ATTRIBUTABLE TO SUCH COVERAGE

\_\_\_\_\_  
Policyholder/Applicant's Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

Name of Insurer: \_\_\_\_\_

Policy Number: \_\_\_\_\_

**POLICYHOLDER DISCLOSURE  
NOTICE OF TERRORISM  
INSURANCE COVERAGE**

You are hereby notified that under the Terrorism Risk Insurance Act, as amended, that you have a right to purchase insurance coverage for losses resulting from acts of terrorism, *as defined in Section 102(1) of the Act*: The term "act of terrorism" means any 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; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals 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.

YOU SHOULD KNOW THAT WHERE COVERAGE IS PROVIDED BY THIS POLICY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM, SUCH LOSSES MAY BE PARTIALLY REIMBURSED BY THE UNITED STATES GOVERNMENT UNDER A FORMULA ESTABLISHED BY FEDERAL LAW. HOWEVER, YOUR POLICY MAY CONTAIN OTHER EXCLUSIONS WHICH MIGHT AFFECT YOUR COVERAGE, SUCH AS AN EXCLUSION FOR NUCLEAR EVENTS. UNDER THE FORMULA, THE UNITED STATES GOVERNMENT GENERALLY REIMBURSES 85% OF COVERED TERRORISM LOSSES EXCEEDING THE STATUTORILY ESTABLISHED DEDUCTIBLE PAID BY THE INSURANCE COMPANY PROVIDING THE COVERAGE. THE PREMIUM CHARGED FOR THIS COVERAGE IS PROVIDED BELOW AND DOES NOT INCLUDE ANY CHARGES FOR THE PORTION OF LOSS THAT MAY BE COVERED BY THE FEDERAL GOVERNMENT UNDER THE ACT.

YOU SHOULD ALSO KNOW THAT THE TERRORISM RISK INSURANCE ACT, AS AMENDED, CONTAINS A \$100 BILLION CAP THAT LIMITS U.S. GOVERNMENT REIMBURSEMENT AS WELL AS INSURERS' LIABILITY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM WHEN THE AMOUNT OF SUCH LOSSES IN ANY ONE CALENDAR YEAR EXCEEDS \$100 BILLION. IF THE AGGREGATE INSURED LOSSES FOR ALL INSURERS EXCEED \$100 BILLION, YOUR COVERAGE MAY BE REDUCED.

	I hereby elect to purchase terrorism coverage for a prospective premium of \$_____
	I hereby decline to purchase terrorism coverage for certified acts of terrorism. I understand that I will have no coverage for losses resulting from certified acts of terrorism.

\_\_\_\_\_  
Policyholder/Applicant's Signature

\_\_\_\_\_  
Insurance Company

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Policy Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agent