

SERFF Tracking Number: PENN-125547890 State: Arkansas
Filing Company: Diamond State Insurance Company State Tracking Number: EFT \$50
Company Tracking Number: DS-2008-CGL-F-078
TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0006 Directors & Officers Liability
Product Name: Other Liability - Directors and Officers
Project Name/Number: TRIPRA ACT OF 2007/DS-2008-CGL-F-078

Filing at a Glance

Company: Diamond State Insurance Company

Product Name: Other Liability - Directors and Officers SERFF Tr Num: PENN-125547890 State: Arkansas

Officers

TOI: 17.0 Other Liability - Claims SERFF Status: Closed State Tr Num: EFT \$50

Made/Occurrence

Sub-TOI: 17.0006 Directors & Officers Liability Co Tr Num: DS-2008-CGL-F-078 State Status: Fees verified and received

Filing Type: Form

Co Status:

Reviewer(s): Betty Montesi, Edith Roberts, Brittany Yielding

Author: Kathleen Reed

Disposition Date: 03/19/2008

Date Submitted: 03/18/2008

Disposition Status: Approved

Effective Date Requested (New): On Approval

Effective Date (New):

Effective Date Requested (Renewal): On Approval

Effective Date (Renewal):

State Filing Description:

General Information

Project Name: TRIPRA ACT OF 2007

Status of Filing in Domicile: Pending

Project Number: DS-2008-CGL-F-078

Domicile Status Comments:

Reference Organization:

Reference Number:

Reference Title:

Advisory Org. Circular:

Filing Status Changed: 03/19/2008

Deemer Date:

State Status Changed: 03/19/2008

Corresponding Filing Tracking Number:

Filing Description:

Diamond State Insurance Company is submitting its forms to comply with The Federal Terrorism Risk Insurance Program Reauthorization Act Of 2007.

These forms are being submitted on an informational basis.

You will find the following forms below:

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EAA-167 (01/2008), Exclusion Of Certified Acts Of Terrorism, Other Acts Of Terrorism And War.

EAA-168 (01/2008), Coverage Of Certified Acts Of Terrorism, Exclusion Of Other Acts Of Terrorism.

Company and Contact

Filing Contact Information

Kathleen Reed, State Filings Analyst kreed@unitednat.com
 Three Bala Plaza, East (610) 660-5430 [Phone]
 Bala Cynwyd, PA 19004 (610) 668-3399[FAX]

Filing Company Information

Diamond State Insurance Company CoCode: 42048 State of Domicile: Indiana
 Three Bala Plaza, East Group Code: 920 Company Type:
 Suite 300
 Bala Cynwyd, PA 19004 Group Name: State ID Number:
 (610) 660-6825 ext. [Phone] FEIN Number: 51-0257823

Filing Fees

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

| COMPANY | AMOUNT | DATE PROCESSED | TRANSACTION # |
|---------------------------------|---------|----------------|---------------|
| Diamond State Insurance Company | \$50.00 | 03/18/2008 | 18759788 |

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Correspondence Summary

Dispositions

| Status | Created By | Created On | Date Submitted |
|----------|---------------|------------|----------------|
| Approved | Edith Roberts | 03/19/2008 | 03/19/2008 |

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Disposition

Disposition Date: 03/19/2008

Effective Date (New):

Effective Date (Renewal):

Status: Approved

Comment:

Rate data does NOT apply to filing.

SERFF Tracking Number: PENN-125547890 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 | Other Liability - Directors And Officers - The Federal Terrorism Risk Insurance Program Reauthorization Act Of 2007 - Arkansas - Forms Filing - Filing Number: DS-2008-CGL-F-078 | Approved | Yes |
| Form | Exclusion of Certified Acts Of Terrorism, Other Acts of Terrorism And War | Approved | Yes |
| Form | Coverage Of Certified Acts Of Terrorism, Exclusion Of Other Acts Of Terrorism And War | Approved | Yes |

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Form Schedule

| Review Status | Form Name | Form # | Edition Date | Form Type Action | Action Specific Data | Readability | Attachment |
|---------------|---|---------|--------------|----------------------------------|--|-------------|---|
| Approved | Exclusion of Certified Acts Of Terrorism, Other Acts of Terrorism And War | EAA-167 | (01/2008) | Endorsement/Amendment/Conditions | Replaced Form #:0.00 EAA-167 (2/2003) Previous Filing #: 03-1GL-014 | | Exclusion of Certified EAA-167 _1-2008_.pdf |
| Approved | Coverage Of Certified Acts Of Terrorism, Exclusion Of Other Acts Of Terrorism And War | EAA-168 | (01/2008) | Endorsement/Amendment/Conditions | Replaced Form #:0.00 EAA-168 (4/2003) Previous Filing #: 03-1GL-014 (Amendment) | | Coverage of Certified EAA-168 _1-2008_.pdf |

(The attaching clause need be completed only when this endorsement is issued subsequent to preparation of the policy.)

This endorsement, effective on _____ at 12:01 A.M. standard time, forms a part of

Policy No.:

Issued To:

By:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**EXCLUSION OF CERTIFIED ACTS OF TERRORISM,
OTHER ACTS OF TERRORISM AND WAR**

The following exclusions are added:

A. This insurance does not apply to:

1. "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:
 - a. 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
 - b. The terrorism is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or
 - c. Pathogenic or poisonous biological or chemical materials are released, and it appears that one purpose of the terrorism was to release such materials.

This exclusion does not apply to an act that meets the criteria set forth in Paragraph 2 b. of the definition of "certified act of terrorism" when such act resulted in insured losses of \$5 million or less in the aggregate.

2. "Any injury or damage", however caused, arising, directly or indirectly, out of:
 - a. War, including undeclared or civil war; or
 - b. Warlike action by a military force, including action in hindering or defending against an actual or expected attack, by any government, sovereign or other authority using military personnel or other agents; or

- c. Insurrection, rebellion, revolution, usurped power or action taken by governmental authority in hindering or defending against any of these.

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 to which this endorsement is applicable.
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 federal Terrorism Risk Insurance Act sets forth the following criteria for a “certified act of terrorism”:
 - a. The act resulted in insured losses in excess of \$5 million in the aggregate attributable to all types of insurance subject to the 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.
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. 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.

(The attaching clause need be completed only when this endorsement is issued subsequent to preparation of the policy.)

This endorsement, effective on at 12:01 A.M. standard time, forms a part of

Policy No.:

Issued To:

By:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**COVERAGE OF CERTIFIED ACTS OF TERRORISM,
EXCLUSION OF OTHER ACTS OF TERRORISM AND WAR**

The following exclusions are added:

A. This insurance does not apply to:

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

- a. 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
- b. The terrorism is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or
- c. Pathogenic or poisonous biological or chemical materials are released, and it appears that one purpose of the terrorism was to release such materials.

This exclusion does not apply to an act which meets the criteria set forth in Paragraph B.2. of the definition of "certified act of terrorism", when such act resulted in insured losses of \$5 million or less in the aggregate.

2. A "certified act of terrorism":

- a. involving the use, release or escape of nuclear materials or directly or indirectly resulting in nuclear reaction or radiation or radioactive contamination; or
- b. which is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or

- c. in which pathogenic or poisonous biological or chemical materials are released, and it appears that one purpose of the terrorism was to release such materials.
 - 3. Damages arising, directly or indirectly, out of a “certified act of terrorism” that are awarded as punitive damages.
 - 4. “Any injury” or damage”, however caused, arising, directly or indirectly, out of:
 - a. War, including undeclared or civil war; or
 - b. Warlike action by a military force, including action in hindering or defending against an actual or expected attack, by any government, sovereign or other authority using military personnel or other agents; or
 - c. Insurrection, rebellion, revolution, usurped power or action taken by governmental authority in hindering or defending against any of these.
- B. 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 due to the application of any clause which results in a cap on our liability for payments for terrorism losses.

II. The following definitions are added:

- A. For the purposes of this endorsement, “any injury or damage” means any injury or damage covered under any Coverage Part to which this endorsement is applicable.
- B. “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 federal Terrorism Risk Insurance Act sets forth the following criteria for a “certified act of terrorism”:
 - 1. The act resulted in insured losses in excess of \$5 million in the aggregate attributable to all types of insurance subject to the federal 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.

C. "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. 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.

III. 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.

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Rate Information

Rate data does NOT apply to filing.

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Supporting Document Schedules

Review Status:
Bypassed -Name: Uniform Transmittal Document-
Property & Casualty **Approved** 03/19/2008
Bypass Reason: Requirement does not apply.
Comments:

Review Status:
Satisfied -Name: Other Liability - Directors And
Officers - The Federal Terrorism
Risk Insurance Program **Approved** 03/19/2008
Reauthorization Act Of 2007 -
Arkansas - Forms Filing - Filing
Number: DS-2008-CGL-F-078
Comments:
Attachment:
VERMONT - EXPED.TRANS FORM - TERR. EXCLUSION.pdf

**EXPEDITED FILING TRANSMITTAL DOCUMENT
FOR TERRORISM RISK INSURANCE FORMS AND PRICING**

This page applies to the following state(s) ARKANSAS

| |
|--|
| 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 # |
|---------------------------------|----------|-----------|------------|
| DIAMOND STATE INSURANCE COMPANY | INDIANA | 920-42048 | 51-0257823 |
| | | | |

Contact Info for Filer

| Name and address of Filer(s) | Telephone # | FAX # | e-mail |
|--|--------------|--------------|-------------------------|
| KATHLEEN REED THREE BALA PLAZA, EAST - SUITE 300 BALA CYNWYD, PENNSYLVANIA 19004 | 610-660-5430 | 610-668-3399 | KREED@UNITEDN AT.COM |

Filing information

| | |
|---|----------------------------------|
| Line of Insurance (see attachment) | 17.0006 – DIRECTORS AND OFFICERS |
| Company Program Title (Marketing title) (if applicable) | TRIPRA ACT OF 2007 |
| Filing Type ** see note below | FORMS (ENDORSEMENTS) |
| This application is used with: | |
| Effective Date Requested | UPON APPROVAL |
| Filing date | MARCH 20, 2008 |
| Company Tracking Number | DS-2008-CGL-F-078 |
| Date filing approved in domiciliary state, if applicable | THIS FILING IS PENDING. |

| | <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 | EXCLUSION OF CERTIFIED ACTS OF TERRORISM, OTHER ACTS OF TERRORISM AND WAR | EAA-167 (01//2008) | <input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn Neither | EAA-167 (02/2003) | NOT APPLICABLE |
| 02 | COVERAGE OF CERTIFIED ACTS OF TERRORISM, EXCLUSION OF OTHER ACTS OF TERRORISM | EAA-168 (01/2008) | <input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn Neither | EAA-168 (04/2003) | NOT APPLICABLE |

To be complete, a 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 of 2002 and the laws of this state; and
- Is in compliance with the requirements of the bulletin containing the voluntary expedited filing procedures.

Signature

KATHLEEN REED
Print Name:

STATE FILING ANALYST
Title: