

SERFF Tracking Number: LBRM-125663540 State: Arkansas  
First Filing Company: America First Insurance Company, ... State Tracking Number: EFT \$50  
Company Tracking Number: 2008-01620  
TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0001 Commercial General Liability  
Product Name: Commercial General Liability  
Project Name/Number: School Liability - Form/2008-01620

## Filing at a Glance

Companies: America First Insurance Company, Peerless Indemnity Insurance Company, Peerless Insurance Company, The Netherlands Insurance Company

Product Name: Commercial General Liability SERFF Tr Num: LBRM-125663540 State: Arkansas  
TOI: 17.0 Other Liability - Claims SERFF Status: Closed State Tr Num: EFT \$50  
Made/Occurrence  
Sub-TOI: 17.0001 Commercial General Liability Co Tr Num: 2008-01620 State Status: Fees verified and received  
Filing Type: Form Co Status: Reviewer(s): Betty Montesi, Edith Roberts, Brittany Yielding  
Author: Kelly Joslyn Disposition Date: 05/28/2008  
Date Submitted: 05/22/2008 Disposition Status: Approved  
Effective Date Requested (New): 07/01/2008 Effective Date (New):  
Effective Date Requested (Renewal): 07/01/2008 Effective Date (Renewal):  
State Filing Description:

## General Information

Project Name: School Liability - Form Status of Filing in Domicile: Pending  
Project Number: 2008-01620 Domicile Status Comments:  
Reference Organization: Reference Number:  
Reference Title: Advisory Org. Circular:  
Filing Status Changed: 05/28/2008 Deemer Date:  
State Status Changed: 05/28/2008  
Corresponding Filing Tracking Number:  
Filing Description:  
Effective July 1, 2008 for both New and Renewal Business, we wish to file to update our School Liability Product.  
Please see the attached forms for you approval as well as a Form Filing Schedule and all other required filing forms.  
The rules that correspond with this form filing are being sent under separate cover, filing number 2008-01621.

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## Company and Contact

### Filing Contact Information

Kelly Joslyn, State Filings Technician kelly.joslyn@LibertyMutual.com  
 62 Maple Avenue (800) 826-6189 [Phone]  
 Keene, NH 03431 (603) 352-9252[FAX]

### Filing Company Information

America First Insurance Company	CoCode: 12696	State of Domicile: New Hampshire
62 Maple Ave.	Group Code: 111	Company Type: P & C
Keene, NH 03431	Group Name:	State ID Number:
(800) 826-6189 ext. [Phone]	FEIN Number: 58-0953149	

Peerless Indemnity Insurance Company	CoCode: 18333	State of Domicile: Illinois
62 Maple Ave.	Group Code: 111	Company Type: Property & Casualty
Keene, NH 03431	Group Name:	State ID Number:
(800) 826-6189 ext. [Phone]	FEIN Number: 13-2919779	

Peerless Insurance Company	CoCode: 24198	State of Domicile: New Hampshire
62 Maple Avenue	Group Code: 111	Company Type: Property & Casualty
Keene, NH 03431	Group Name:	State ID Number:
(800) 826-6189 ext. [Phone]	FEIN Number: 02-0177030	

The Netherlands Insurance Company	CoCode: 24171	State of Domicile: New Hampshire
62 Maple Avenue	Group Code: 111	Company Type: Property & Casualty
Keene, NH 03431	Group Name:	State ID Number:
(800) 826-6189 ext. [Phone]	FEIN Number: 02-0342937	

## Filing Fees

Fee Required? Yes  
 Fee Amount: \$50.00

*SERFF Tracking Number:* LBRM-125663540      *State:* Arkansas  
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**Retaliatory?** No  
**Fee Explanation:** 50.00 per form filing  
**Per Company:** No

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COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
America First Insurance Company	\$50.00	05/22/2008	20465188
Peerless Indemnity Insurance Company	\$0.00	05/22/2008	
Peerless Insurance Company	\$0.00	05/22/2008	
The Netherlands Insurance Company	\$0.00	05/22/2008	

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## Correspondence Summary

### Dispositions

Status	Created By	Created On	Date Submitted
Approved	Edith Roberts	05/28/2008	05/28/2008

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## Disposition

Disposition Date: 05/28/2008

Effective Date (New):

Effective Date (Renewal):

Status: Approved

Comment:

Rate data does NOT apply to filing.

### Overall Rate Information for Multiple Company Filings

Overall Percentage Rate Indicated For This Filing	0.000%
Overall Percentage Rate Impact For This Filing	0.000%
Effect of Rate Filing-Written Premium Change For This Program	\$0
Effect of Rate Filing - Number of Policyholders Affected	0

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Item Type	Item Name	Item Status	Public Access
Supporting Document	Uniform Transmittal Document-Property & Casualty	Approved	Yes
Supporting Document	Cover Letter	Approved	Yes
Form	Criminal Acts Defense Coverage	Approved	Yes
Form	School Pollution Coverage Amendment	Approved	Yes
Form	Exclusion - Silica (Schools)	Approved	Yes
Form	Additional Insured - Safety Patrol	Approved	Yes
Form	Pollution Exclusion - Exception For Classroom Instruction Activities	Approved	Yes
Form	Form Filing Schedule	Approved	Yes

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## Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type	Action	Action Specific Data	Readability	Attachment
Approved	Criminal Acts Defense Coverage	22-143	0208	Endorsement/Amendment/Conditions	New			22-142 0208.pdf
Approved	School Pollution Coverage Amendment	22-143	0208	Endorsement/Amendment/Conditions	New			22-143 0208.pdf
Approved	Exclusion - Silica (Schools)	22-144	0208	Endorsement/Amendment/Conditions	New			22-144 0208.pdf
Approved	Additional Insured - Safety Patrol	22-145	0208	Endorsement/Amendment/Conditions	New			22-145 0208.pdf
Approved	Pollution Exclusion - Exception For Classroom Instruction Activities	22-28	0407	Endorsement/Amendment/Conditions	New			22-28 0407.pdf
Approved	Form Filing Schedule			Other	New			Form Filing Schedule.pdf

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**CRIMINAL ACTS DEFENSE COVERAGE**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART**

**SCHEDULE**

<b>Aggregate Defense Expense Amount</b> <b>\$ 50,000</b>
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(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

**A. The following is added to SUPPLEMENTARY PAYMENTS – COVERAGES A AND B:**

- 3.** Subject to the Aggregate Defense Expense Amount shown in the Schedule and at your request, we will reimburse the insured for “defense expenses” incurred in the defense of a criminal action or criminal proceeding brought against the insured and commencing during the policy period but only if:
  - a.** The criminal action or criminal proceeding arose from acts committed within the scope of employment by you or while performing duties related to the conduct or your business; and
  - b.** The insured is acquitted or the charges are dropped; and
  - c.** The “defense expenses” are reported to us within one year of the acquittal or dropped charges.

We have no duty to defend the insured. The insured must select an attorney of his or her choice for representation in the criminal action or criminal proceeding. Our obligation to reimburse “defense expenses” ends when the Aggregate Defense Expense Amount has been used up in the reimbursement of “defense expenses”.

**B. The coverage afforded under paragraph A. of this endorsement does not apply to:**

- 1.** “Defense expenses” incurred for appeals after a guilty verdict is rendered at the first trial; or
- 2.** “Defense expenses” incurred for any retrial upon an entry of a mistrial after verdict, or to any retrial after appeal.

**C. Regardless of the number of insureds, criminal actions or criminal proceedings, the Aggregate Defense Expense Amount is the most we will reimburse all insureds under paragraph A. of this endorsement for the sum of all “defense expenses”. If the policy period is for more than one year, the Aggregate Defense Expense Amount applies separately to each consecutive annual period, and to any remaining period of less than 12 months starting with the beginning of the policy period. But if the policy period is extended after issuance for less than 12 months, the additional period will be deemed part of the last preceding period for the purposes of determining the Aggregate Defense Expense Amount.**

**D. As used in this endorsement, “defense expenses” means those reasonable and necessary expenses that result from the defense of a specific criminal action or criminal proceeding brought against the insured, including:**

- 1.** Attorney and paralegal fees and expenses; and
- 2.** Costs of legal proceedings

“Defense expenses does not include loss of earnings or any fines or penalties imposed by law.

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **SCHOOL POLLUTION COVERAGE AMENDMENT**

This endorsement modifies insurance provided under the following:

### **POLLUTION LIABILITY LIMITED COVERAGE PART**

**A. Paragraph 1.b.(1) of Section I – Pollution Liability Coverage is deleted and replaced with the following:**

**1. Insuring Agreement – Bodily Injury And Property Damage Liability**

**b.** This insurance applies to “bodily injury” or “property damage” only if:

**(1)** The “bodily injury” or “property damage” arises out of a “pollution incident” originating from:

**(a)** The use of, or storage of, “pesticides” or fertilizers by you or on your behalf provided the usage and storage:

**(i)** Meet all standards of any statute, ordinance, regulation or license requirement of any federal, state or local government which pertain to the “pesticides” or fertilizers; and

**(ii)** Are confined to necessary maintenance of the premises at the “insured site” as a school; or

**(b)** The use of, or storage of, chlorine or other chemicals or materials by you or on your behalf at the “insured site” for the maintenance of a swimming pool, whirlpool or spa.

**B. The following is added to Exclusion 2.j. Aircraft, Auto, Rolling Stock Or Watercraft of Section I – Pollution Liability Coverage:**

This exclusion does not apply to:

**(3)** “Bodily injury” or “property damage” arising out of the spraying or application of “pesticides” at the “insured site” from any “auto” or watercraft that is owned or operated by or rented or loaned to any insured.

**C. The following exclusions are added to Paragraph 2. Exclusions of Section I – Pollution Liability Coverage:**

This insurance does not apply to:

**o.** A “pollution incident” in any way originating from a storage tank, any part of which is underground, including any attached pumps and piping, or a storage tank which may otherwise be construed as included in the definition of underground storage tank under 42 USC 6991 and/or the Hazardous and Solid Waste Amendment of 1984.

**p.** “Bodily injury” or “property damage” arising out of the use, or storage of, mercury or mercury compounds.

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**D. The following definition is added to Section VI – Definitions:**

“Pesticides” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest. This includes, but is not limited to, insecticides, herbicides, fungicides, nematocides, rodenticides, bactericides, acaricides, algicides, miticides, molluscicides, avicides, slimicides, piscicides, disinfectants or desiccants.

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**EXCLUSION – SILICA (SCHOOLS)**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART**

**A. The following is added to paragraph 2. Exclusions of COVERAGE A BODILY INJURY AND PROPERTY DAMAGE LIABILITY under SECTION I – COVERAGES:**

This insurance does not apply to:

**Silica**

- (1)** “Bodily injury” arising, or allegedly arising, in whole or in part, from the inhalation, ingestion, absorption of or exposure to silica in any form or any substance containing silica, either alone, or in combination with other substances or factors, whether included in a product or otherwise; or
- (2)** “Property damage” arising, or allegedly arising, in whole or in part, from silica in any form or any substance containing silica, either alone, or in combination with other substances or factors, whether included in a product or otherwise; or
- (3)** Any loss, cost or expense arising out of any:
  - (a)** Request, demand, order or statutory or regulatory requirement that any insured or others test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of silica in any form or any substance containing silica, either alone, or in combination with other substances or factors, whether included in a product or otherwise; or
  - (b)** Claim or “suit” by or on behalf of a governmental authority for damages because of testing for, monitoring, cleaning up, removing, containing, treating, detoxifying or neutralizing, or in any way responding to, or assessing the effects of silica in any form or any substance containing silica, either alone, or in combination with other substances or factors, whether included in a product or otherwise.

However, exclusion **A.(2)**, does not apply to “property damage” arising from sandblasting operations that are confined to the necessary repair or maintenance of your premises as a school.

**B. The following is added to paragraph 2. Exclusions of COVERAGE B PERSONAL AND ADVERTISING INJURY LIABILITY under SECTION I – COVERAGES:**

This insurance does not apply to:

**Silica**

- (1)** “Personal and advertising injury” arising, or allegedly arising, in whole or in part, from silica in any form or any substance containing silica, either alone, or in combination with other substances or factors, whether included in a product or otherwise; or
- (2)** Any loss, cost or expense arising out of any:
  - (a)** Request, demand, order or statutory or regulatory requirement that any insured or others test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or

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assess the effects of silica in any form or any substance containing silica, either alone, or in combination with other substances or factors, whether included in a product or otherwise; or

- (b)** Claim or “suit” by or on behalf of a governmental authority for damages because of testing for, monitoring, cleaning up, removing, containing, treating, detoxifying or neutralizing, or in any way responding to, or assessing the effects of silica in any form or any substance containing silica, either alone, or in combination with other substances or factors, whether included in a product or otherwise.

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**ADDITIONAL INSUREDS – SAFETY PATROLS**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART**

**A. Paragraph 2. under SECTION II - WHO IS AN INSURED** is amended to include as an insured:

Any of your students who are members of a safety patrol which you have organized or operate, but only for “bodily injury” or “property damage” that occurs while performing duties related to the conduct of such safety patrol. This includes the parents or legal guardian of such student, but only with respect to her or his liability as a parent or guardian because of “bodily injury” or “property damage” arising out of the operation of such safety patrol.

**B. With respect to the insurance provided by this endorsement, the following is added to SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS, paragraph 4. Other Insurance, subparagraph b. Excess Insurance:**

The insurance provided by this endorsement is excess over any of the other insurance available to the insured, whether primary, excess, contingent or on any other basis.

All other terms, conditions and exclusions shall remain the same.

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**POLLUTION EXCLUSION – EXCEPTION FOR CLASSROOM INSTRUCTION ACTIVITIES**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART**

- A.** The following is added to provisions **(1)(a)** of exclusion **f. Pollution** under paragraph **2. Exclusions of Coverage A Bodily Injury And Property Damage Liability (SECTION I – COVERAGES)**:

However, this exclusion does not apply to “bodily injury” or “property damage” that is caused, in whole or in part, by activities usual to classroom instruction on premises you own or rent.

- B.** When the Total Pollution Exclusion endorsement **CG 21 55** or **CG 21 65** is made a part of this policy, paragraph **A.** above does not apply and the following is added to provision **(1)** of exclusion **f. Pollution** under paragraph **2. Exclusions of Coverage A Bodily Injury And Property Damage Liability (SECTION I – COVERAGES)** as amended by either endorsement **CG 21 55** or **CG 21 65**:

However, this exclusion does not apply to “bodily injury” or “property damage” that is caused, in whole or in part, by activities usual to classroom instruction on premises you own or rent.

## FORM FILING SCHEDULE

(This form must be provided ONLY when making a filing that includes forms)  
 (Do not refer to the body of the filing for the forms listing, unless allowed by state.)

<b>1.</b>	<b>This filing transmittal is part of Company Tracking #</b>	<b>2008-01620</b>			
<b>2.</b>	<b>This filing corresponds to rate/rule filing number</b> (Company tracking number of rate/rule filing, if applicable)	<b>2008-01621</b>			
3.	Form Name /Description/Synopsis	Form # Include edition date	Replacement or Withdrawn?	If replacement, give form # it replaces	Previous state filing number, if required by state
01	CRIMINAL ACTS DEFENSE COVERAGE	22-142 0208	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
02	SCHOOL POLLUTION COVERAGE AMENDMENT	22-143 0208	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
03	EXCLUSION – SILICA (SCHOOLS)	22-144 0208	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
04	ADDITIONAL INSUREDS – SAFETY PATROLS	22-145 0208	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
05	POLLUTION EXCLUSION – EXCEPTION FOR CLASSROOM INSTRUCTION ACTIVITIES	22-28 0407	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
06			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		

*SERFF Tracking Number:*      *LBRM-125663540*                      *State:*                      *Arkansas*  
*First Filing Company:*      *America First Insurance Company, ...*                      *State Tracking Number:*      *EFT \$50*  
*Company Tracking Number:*      *2008-01620*  
*TOI:*                      *17.0 Other Liability - Claims Made/Occurrence*      *Sub-TOI:*                      *17.0001 Commercial General Liability*  
*Product Name:*                      *Commercial General Liability*  
*Project Name/Number:*                      *School Liability - Form/2008-01620*

## **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 05/28/2008

**Comments:**

Attached

**Attachment:**

Transmittal.pdf

**Satisfied -Name:** Cover Letter **Review Status:** Approved 05/28/2008

**Comments:**

Attached

**Attachment:**

2008-01620 klj.pdf



**Property & Casualty Transmittal Document—**

<b>20. This filing transmittal is part of Company Tracking #</b>	2008-01620
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<b>21. Filing Description</b> [This area should be similar to the body of a cover letter and is free-form text]
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Effective July 1, 2008 for both New and Renewal Business, we wish to file to update our School Liability Product. Please see the attached forms for your approval as well as a Form Filing Schedule and all other required filing forms. The rules that correspond with this form filing are being sent under separate cover, filing number 2008-01621.

<b>22. Filing Fees</b> (Filer must provide check # and fee amount if applicable) [If a state requires you to show how you calculated your filing fees, place that calculation below]
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**Check #: EFT**  
**Amount: 50.00**

**Refer to each state's checklist for additional state specific requirements or instructions on calculating fees.**

**\*\*\*Refer to the each state's checklist for additional state specific requirements (i.e. # of additional copies required, other state specific forms, etc.)**



**America First  
Insurance™**

Member of Liberty Mutual Group

62 Maple Avenue  
Keene, NH 03431  
603-352-3221

April 21, 2008

Hon. Julie Benafield Bowman  
Commissioner Of Insurance  
Arkansas Insurance Department  
1200 West Third St  
Little Rock, AR 72201-1904

Attn: Mr. Bill Lacy, Director  
Property and Casualty Division

RE: Division Six - General Liability  
Form Filing  
America First Insurance Company  
NAIC# 111-12696  
Peerless Insurance Company  
NAIC# 111-24198  
The Netherlands Insurance Company  
NAIC# 111-24171  
Peerless Indemnity Insurance Company  
NAIC# 111-18333  
**Company Filing# 2008-01620**

Dear Mr. Lacy:

Effective July 1, 2008 for both New and Renewal Business, we wish to file to update our School Liability Product.

Please see the attached forms for you approval as well as a Form Filing Schedule and all other required filing forms.

The rules that correspond with this form filing are being sent under separate cover, filing number 2008-01621.

Questions regarding the enclosed filing should be directed to me at 603-357-9589 or 800-826-6189 ext. 79589.

Sincerely,

Kelly L. Joslyn  
State Filings Technician  
Email: kelly.joslyn@libertymutual.com  
Fax: (603)-352-9252