

SERFF Tracking Number: NRT-125533234 State: Arkansas  
First Filing Company: North American Elite Insurance Company, ... State Tracking Number: EFT \$50  
Company Tracking Number: 08-03425  
TOI: 05.0 Commercial Multi-Peril - Liability & Non- Sub-TOI: 05.0002 Businessowners  
Liability  
Product Name: BOP-Exclusion of Other tahn Certified Acts of Terrorism  
Project Name/Number: /

## Filing at a Glance

Companies: North American Elite Insurance Company, North American Specialty Insurance Company, Westport Insurance Corporation

Product Name: BOP-Exclusion of Other tahn Certified Acts of Terrorism SERFF Tr Num: NRT-125533234 State: Arkansas

TOI: 05.0 Commercial Multi-Peril - Liability & Non-Liability SERFF Status: Closed State Tr Num: EFT \$50

Sub-TOI: 05.0002 Businessowners Co Tr Num: 08-03425 State Status: Fees verified and received

Filing Type: Form Co Status: Approved by SID Reviewer(s): Betty Montesi, Llyweyia Rawlins, Brittany Yielding  
Author: Alsa Shih Disposition Date: 05/14/2008  
Date Submitted: 03/10/2008 Disposition Status: Approved

Effective Date Requested (New): 06/01/2008 Effective Date (New): 06/01/2008  
Effective Date Requested (Renewal): 06/01/2008 Effective Date (Renewal): 06/01/2008

State Filing Description:

## General Information

Project Name: Status of Filing in Domicile: Pending  
Project Number: Domicile Status Comments:  
Reference Organization: Reference Number:  
Reference Title: Advisory Org. Circular:  
Filing Status Changed: 05/14/2008  
State Status Changed: 03/18/2008 Deemer Date:  
Corresponding Filing Tracking Number:  
Filing Description:

We wish to submit the attached endorsement for your review and approval. This is a mandatory form without rate impact. We are excluding coverage for Other than Certified Acts, however the exclusion does grant coverage for those acts that would otherwise meet all the criteria to be a certified act of terrorism, other than the fact that aggregate insured

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losses are below 5,000,000. This coverage exception to the exclusion is consistent with the NAIC model bulletin. We request that this filing be applicable to all policies effective on or after June 1, 2008.

Attached is copy of the form being filed for approval. Please note the company name has been left off, the appropriate company name will be printed on the forms when issued.

## Company and Contact

### Filing Contact Information

Alsa Shih, State Filings Assistant  
 650 Elm Street  
 Manchester, NH 03101  
 Alsa\_Shih@nasins.com  
 (800) 542-9200 [Phone]  
 (603) 644-6613[FAX]

### Filing Company Information

North American Elite Insurance Company	CoCode: 29700	State of Domicile: New Hampshire
650 Elm Street	Group Code: 181	Company Type:
Manchester, NH 03101	Group Name:	State ID Number:
(800) 542-9200 ext. [Phone]	FEIN Number: 13-3440360	

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North American Specialty Insurance Company	CoCode: 29874	State of Domicile: New Hampshire
650 Elm Street	Group Code: 181	Company Type:
Manchester, NH 03101-2524	Group Name:	State ID Number:
(800) 542-9200 ext. [Phone]	FEIN Number: 02-0311919	

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Westport Insurance Corporation	CoCode: 34207	State of Domicile: Missouri
650 Elm Street	Group Code: 181	Company Type:
Manchester, NH 03101-2524	Group Name:	State ID Number:
(800) 542-9200 ext. [Phone]	FEIN Number: 13-1941868	

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## Filing Fees

Fee Required? Yes  
 Fee Amount: \$50.00  
 Retaliatory? No

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**Fee Explanation:** \$50.00 per form per group  
**Per Company:** No



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## Correspondence Summary

### Dispositions

Status	Created By	Created On	Date Submitted
Approved	Llyweyia Rawlins	05/14/2008	05/14/2008
Approved	Llyweyia Rawlins	03/18/2008	03/18/2008

### Amendments

Item	Schedule	Created By	Created On	Date Submitted
Exclusion of Form Other than Certified Acts of Terrorism		Alsa Shih	05/14/2008	05/14/2008

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## Disposition

Disposition Date: 05/14/2008  
Effective Date (New): 06/01/2008  
Effective Date (Renewal): 06/01/2008  
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
Form (revised)	Exclusion of Other than Certified Acts of Terrorism	Approved	Yes
Form	Exclusion of Other than Certified Acts of Terrorism	Approved	Yes

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## Disposition

Disposition Date: 03/18/2008  
Effective Date (New): 06/01/2008  
Effective Date (Renewal): 06/01/2008  
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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Form (revised)	Exclusion of Other than Certified Acts of Terrorism	Approved	Yes
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**Amendment Letter**

Amendment Date:  
 Submitted Date: 05/14/2008

**Comments:**

Thank you for reopen this filing. We have found a typo on page 1 of our form SP 4 160, the sentence under "Schedule" should refer to Paragraph A.2. in lieu of Paragraph C. We apologize for this oversight. Attached is the revised form SP 4 160 05 08 to replace the 02 08 edition. We also want to amend our effective date from 6/1/08 to 6/30/08.

**Changed Items:**

**Form Schedule Item Changes:**

Form Name	Form Number	Edition Date	Form Type	Action	Replaced Form #	Previous Filing #	Readability Score	Attachments
Exclusion of Other than Certified Acts of Terrorism	SP 4 160	05 08	Endorsement/Amendment/Conditions	New			0	SP 4 160 05 08.pdf

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## Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability	Attachment
Approved	Exclusion of Other than Certified Acts of Terrorism	SP 4 160	05 08	Endorsement/Amendment/Conditions		0.00	SP 4 160 05 08.pdf

**INSERT COMPANY NAME HERE**

**This Endorsement Changes the Policy - Please Read it Carefully**

**EXCLUSION OF OTHER THAN CERTIFIED ACTS OF TERRORISM**

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

**SCHEDULE**

The **Exception Covering Certain Fire Losses** (Paragraph A.2.) applies to property located in the following state:

<b>State(s)</b>
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

**A.** The following provisions are added to **Section I – Property** of Businessowners Coverage Form **BP 00 03**:

**1.** The following exclusion is added:

This insurance does not apply to:

**TERRORISM**

We will not pay for loss or damage caused directly or indirectly, by an "other act of terrorism." Such loss or damage is excluded regardless of any other cause or event that contributes concurrently or in any sequence to the loss.

**2. Exception Covering Certain Fire Losses**

The following exception to the limited exclusion applies only if indicated and as indicated in the Schedule of this endorsement.

If an "Other act of terrorism" results in fire, we will pay for the loss or damage caused by that fire. Such coverage for fire applies only to direct loss or damage by fire to Covered Property. Therefore, for example, the coverage does not apply to insurance provided under Business Income and/or Extra Expense coverage forms or endorsements which apply to those forms, or to the legal liability Coverage For or the Leasehold Interest Coverage Form.

**3. Application of Other Exclusions**

The terms and limitation of any terrorism exclusions, or the inapplicability or omission of a terrorism exclusion, do not serve to create coverage for any loss which would otherwise be excluded under this Coverage Part or Policy, such as losses excluded by the Nuclear Hazard Exclusion or the War and Military Action Exclusion.

**B.** The following provisions are added to **Section II – Liability** of Businessowners Coverage Form **BP 00 03**:

**1.** The following exclusion is added:

This insurance does not apply to:

**TERRORISM**

"Any injury or damage" arising, directly or indirectly, out of an "other act of terrorism."

**2.** The following definition is added:

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, and includes but is not limited to "bodily injury," "property damage" or "personal and advertising injury" as may be defined in any applicable Coverage form.

**3.** In the event of an "other act of terrorism" that is not subject to this exclusion, coverage does not apply to any "any injury or damage" that is otherwise excluded under this Coverage Part.

**C.** The following provisions are added to the Businessowners Policy and apply to Property and Liability Coverages:

The following definitions are added with respect to the provisions of this endorsement:

**1.** "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.

**2.** "Other act of terrorism" means an actual or threatened violent act, or an actual or threatened 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 a "certified act of terrorism." However, "other act of terrorism" does not include an act which would meet all the criteria necessary to be a "certified act of terrorism" pursuant to the federal Terrorism Risk Insurance Act except such act resulted in aggregate insured losses of \$5 million or less. 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.

All other terms and conditions of this policy shall remain unchanged.

This endorsement forms a part of the policy to which attached, effective on the inception date of the policy unless otherwise stated herein.

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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 03/18/2008

**Comments:**  
**Attachment:**  
AR-NAIC Transmittal.pdf



## Property & Casualty Transmittal Document—

20. This filing transmittal is part of Company Tracking # 08-03425

21. Filing Description [This area can be used in lieu of a cover letter or filing memorandum and is free-form text]

We wish to submit the attached endorsement for your review and approval. This is a mandatory form without rate impact. We are excluding coverage for Other than Certified Acts, however the exclusion does grant coverage for those acts that would otherwise meet all the criteria to be a certified act of terrorism, other than the fact that aggregate insured losses are below 5,000,000. This coverage exception to the exclusion is consistent with the NAIC model bulletin.

22. Filing Fees (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]

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.)

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## 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>	08-03425			
<b>2.</b>	<b>This filing corresponds to rate/rule filing number</b> (Company tracking number of rate/rule filing, if applicable)				
<b>3.</b>	<b>Form Name /Description/Synopsis</b>	<b>Form # Include edition date</b>	<b>Replacement or Withdrawn?</b>	<b>If replacement, give form # it replaces</b>	<b>Previous state filing number, if required by state</b>
01	Exclusion of Other than Certified Acts of Terrorism	SP 4 160 02 08	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
02			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
03			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
04			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
05			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
06			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
07			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
08			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
09			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
10			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		

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## Superseded Attachments

Please note that all items on the following pages are items, which have been replaced by a newer version. The newest version is located with the appropriate schedule on previous pages. These items are in date order with most recent first.

Original Date:	Schedule	Document Name	Replaced Date	Attach Document
No original date	Form	Exclusion of Other than Certified Acts of Terrorism	03/10/2008	SP 4 160 02 08.pdf

**INSERT COMPANY NAME HERE**

**This Endorsement Changes the Policy - Please Read it Carefully**

**EXCLUSION OF OTHER THAN CERTIFIED ACTS OF TERRORISM**

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

**SCHEDULE**

The **Exception Covering Certain Fire Losses** (Paragraph C) applies to property located in the following state:

<b>State(s)</b>
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

**A.** The following provisions are added to **Section I – Property** of Businessowners Coverage Form **BP 00 03**:

**1.** The following exclusion is added:

This insurance does not apply to:

**TERRORISM**

We will not pay for loss or damage caused directly or indirectly, by an "other act of terrorism." Such loss or damage is excluded regardless of any other cause or event that contributes concurrently or in any sequence to the loss.

**2. Exception Covering Certain Fire Losses**

The following exception to the limited exclusion applies only if indicated and as indicated in the Schedule of this endorsement.

If an "Other act of terrorism" results in fire, we will pay for the loss or damage caused by that fire. Such coverage for fire applies only to direct loss or damage by fire to Covered Property. Therefore, for example, the coverage does not apply to insurance provided under Business Income and/or Extra Expense coverage forms or endorsements which apply to those forms, or to the legal liability Coverage For or the Leasehold Interest Coverage Form.

**3. Application of Other Exclusions**

The terms and limitation of any terrorism exclusions, or the inapplicability or omission of a terrorism exclusion, do not serve to create coverage for any loss which would otherwise be excluded under this Coverage Part or Policy, such as losses excluded by the Nuclear Hazard Exclusion or the War and Military Action Exclusion.

**B.** The following provisions are added to **Section II – Liability** of Businessowners Coverage Form **BP 00 03**:

**1.** The following exclusion is added:

This insurance does not apply to:

**TERRORISM**

"Any injury or damage" arising, directly or indirectly, out of an "other act of terrorism."

**2.** The following definition is added:

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, and includes but is not limited to "bodily injury," "property damage" or "personal and advertising injury" as may be defined in any applicable Coverage form.

**3.** In the event of an "other act of terrorism" that is not subject to this exclusion, coverage does not apply to any "any injury or damage" that is otherwise excluded under this Coverage Part.

**C.** The following provisions are added to the Businessowners Policy and apply to Property and Liability Coverages:

The following definitions are added with respect to the provisions of this endorsement:

**1.** "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.

**2.** "Other act of terrorism" means an actual or threatened violent act, or an actual or threatened 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 a "certified act of terrorism." However, "other act of terrorism" does not include an act which would meet all the criteria necessary to be a "certified act of terrorism" pursuant to the federal Terrorism Risk Insurance Act except such act resulted in aggregate insured losses of \$5 million or less. 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.

All other terms and conditions of this policy shall remain unchanged.

This endorsement forms a part of the policy to which attached, effective on the inception date of the policy unless otherwise stated herein.