

SERFF Tracking Number: UNFG-125822889 State: Arkansas
First Filing Company: United Fire & Casualty Company, ... State Tracking Number: EFT \$50
Company Tracking Number:
TOI: 17.1 Other Liability - Claims Made Only Sub-TOI: 17.1006 Directors & Officers Liability
Product Name: Professional Liability
Project Name/Number: EO7063 0108/PL-XX-XXX-01012008-XX-XX-F-EO7063 0108

Filing at a Glance

Companies: United Fire & Casualty Company, Lafayette Insurance Company

Product Name: Professional Liability SERFF Tr Num: UNFG-125822889 State: Arkansas
TOI: 17.1 Other Liability - Claims Made Only SERFF Status: Closed State Tr Num: EFT \$50
Sub-TOI: 17.1006 Directors & Officers Liability Co Tr Num: State Status: Fees verified and received
Filing Type: Form Co Status: Reviewer(s): Betty Montesi, Edith Roberts
Author: Stella Bradke Disposition Date: 09/25/2008
Date Submitted: 09/23/2008 Disposition Status: Approved
Effective Date Requested (New): 01/01/2008 Effective Date (New):
Effective Date Requested (Renewal): 01/01/2008 Effective Date (Renewal):

State Filing Description:

General Information

Project Name: EO7063 0108 Status of Filing in Domicile: Pending
Project Number: PL-XX-XXX-01012008-XX-XX-F-EO7063 0108 Domicile Status Comments: Filing simultaneously.
Reference Organization: Not Applicable Reference Number: Not Applicable
Reference Title: Not Applicable Advisory Org. Circular: Not Applicable
Filing Status Changed: 09/25/2008
State Status Changed: 09/25/2008 Deemer Date:
Corresponding Filing Tracking Number:
Filing Description:
Effective January 1, 2008 for new and renewal business, we would like to adopt a revised endorsement for use with our Directors & Officers Liability Policy.

As you are aware, the Federal Terrorism Risk Insurance Program Reauthorization Act of 2007, changed the definition of Certified Acts of Terrorism and the limitations on Federal and insurer liability. This form is being revised due to the Terrorism Risk Insurance Authorization Act of 2007 that signed into law by the President. This law extended TRIA for

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an additional seven (7) years and was signed on December 26, 2007. The purpose of this filing is to have our Professional Liability amendatory endorsement track with ISO.

New Form Number	Description	Replaces
EO 70 63 01 08	Exclusion – War and Other Acts of Terrorism	EO 70 63 02 03

Company and Contact

Filing Contact Information

Stella Bradke, General Clerk	sbradke@unitedfiregroup.com
118 2nd Ave SE	(319) 399-5228 [Phone]
Cedar Rapids, IA 52407-3909	(319) 286-2570[FAX]

Filing Company Information

United Fire & Casualty Company	CoCode: 13021	State of Domicile: Iowa
118 2nd Ave SE	Group Code: 248	Company Type: Property Casualty
PO Box 73909		
Cedar Rapids, IA 52407-3909	Group Name: United Fire Group	State ID Number:
(319) 399-5700 ext. [Phone]	FEIN Number: 42-0644327	

Lafayette Insurance Company	CoCode: 18295	State of Domicile: Louisiana
118 2nd Ave SE	Group Code: 248	Company Type: Property Casualty
PO Box 73909		
Cedar Rapids, IA 52407-3909	Group Name: United Fire Group	State ID Number:
(319) 399-5700 ext. [Phone]	FEIN Number: 72-0232830	

Filing Fees

Fee Required?	Yes
Fee Amount:	\$50.00
Retaliatory?	No
Fee Explanation:	\$50 per submission.
Per Company:	No

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COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
United Fire & Casualty Company	\$50.00	09/23/2008	22657045
Lafayette Insurance Company	\$0.00	09/23/2008	

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Correspondence Summary

Dispositions

Status	Created By	Created On	Date Submitted
Approved	Edith Roberts	09/25/2008	09/25/2008

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Disposition

Disposition Date: 09/25/2008

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
Form	Exclusion - War and Other 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	Exclusion - War and Other Acts of Terrorism	EO 70 63	01 08	Endorsement/Amendment/Conditions Replaced	Replaced Form #: EO 70 63 02 03 Previous Filing #:		EO7063 0108.pdf EO7063 0203.pdf

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

EXCLUSION – WAR AND OTHER ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

DIRECTORS AND OFFICERS LIABILITY POLICY

A. The following exclusion is added:

This insurance does not apply to:

“Damages”, however caused, arising, directly or indirectly, out of:

1. War, including undeclared or civil war; or
2. 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
3. Insurrection, rebellion, revolution, usurped power, or action taken by governmental authority in hindering or defending against any of these; or
4. “Any injury or damage” arising directly or indirectly, out of an act of terrorism

regardless of any other cause or event that contributes concurrently or in any sequence to the damage.

However, subparagraph 4. of this exclusion, does not apply to a “certified act of terrorism”.

With respect to an “other act of terrorism”, this exclusion applies only when one or more of the following are attributable 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. immediately set forth above describe the thresholds used to measure the magnitude 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.

B. The following definitions are added under DEFINITIONS :

1. For the purposes of this endorsement, “any injury or damage” means any damage covered under any policy or coverage form to which this endorsement is applicable, and includes but is not limited to “damage” as may be defined in any applicable policy or coverage form.
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 a “certified act of terrorism” include the following:
 - 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, 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 terrorism act pursuant to the federal Terrorism Risk Insurance Act.

However, “other act of terrorism” does not include an act which meets the criteria set forth in Paragraph **b.** of the definition of “certified act of terrorism” when such act results in aggregate 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.

C. Continued Applicability of Other Exclusions

In the event of any incident of 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.

- D. 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 (including subsequent acts of Congress pursuant to the Act) due to the application any clause which results in a cap on our liability for payments for terrorism losses.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

EXCLUSION – WAR AND OTHER ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

DIRECTORS AND OFFICERS LIABILITY POLICY

A. The following exclusion is added:

This insurance does not apply to:

“Damages”, however caused, arising, directly or indirectly, out of:

1. War, including undeclared or civil war; or
2. 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
3. Insurrection, rebellion, revolution, usurped power, or action taken by governmental authority in hindering or defending against any of these; or
4. "Any injury or damage" arising directly or indirectly, out of an act of terrorism

regardless of any other cause or event that contributes concurrently or in any sequence to the damage.

However, subparagraph 4. of this exclusion, does not apply to a "certified act of terrorism". With respect to an "other act of terrorism", this exclusion applies only when one or more of the following are attributable 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. immediately set forth above describe the thresholds used to measure the magnitude 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.

B. The following definitions are added under DEFINITIONS:

1. For the purposes of this endorsement, “any injury or damage” means any damage covered under any policy or coverage form to which this endorsement is applicable, and includes but is not limited to “damage” as may be defined in any applicable policy or coverage form.
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.

However, “other act of terrorism” does not include an act which meets the criteria set forth in Paragraph **b.** of the definition of “certified act of terrorism” when such act resulted in aggregate losses of \$5 million or less.

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In the event of any incident of 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.

- D.** 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 2002 (including subsequent acts of Congress pursuant to the Act) due to the application any clause which results in a cap on our liability for payments for terrorism losses.

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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 09/25/2008

Comments:
See Attachment

Attachment:
PL AR Prop & Cas Trans Doc F777AR_EO7063.pdf

17. Reference Organization # & Title	Not Applicable
18. Company's Date of Filing	9-23-2008
19. Status of filing in domicile	<input type="checkbox"/> Not Filed <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Authorized <input type="checkbox"/> Disapproved

Property & Casualty Transmittal Document—

20. This filing transmittal is part of Company Tracking #	PL-AR-UFC-LAF-01012008-XX-XX-F
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21. Filing Description [This area can be used in lieu of a cover letter or filing memorandum and is free-form text]
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Effective January 1, 2008 for new and renewal business, we would like to adopt a revised endorsement for use with our Directors & Officers Liability Policy.

As you are aware, the Federal Terrorism Risk Insurance Program Reauthorization Act of 2007, changed the definition of Certified Acts of Terrorism and the limitations on Federal and insurer liability. This form is being revised due to the Terrorism Risk Insurance Authorization Act of 2007 that signed into law by the President. This law extended TRIA for an additional seven (7) years and was signed on December 26, 2007. The purpose of this filing is to have our Professional Liability amendatory endorsement track with ISO.

New Form Number	Description	Replaces
EO 70 63 01 08	Exclusion – War and Other Acts of Terrorism	EO 70 63 02 03

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

Filings or review of policy, contract, endorsements, certificates, riders, applications or annuity forms per submission (not per form) - \$50

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

Effective March 1, 2007

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