

THE Minnesota News

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"BACK TO THE EXPO"
MAY 16th 2022 1pm-8pm

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EXPO LINE-UP

MIX & MATCH * RECEPTION * AWARDS DINNER
UNDER THE SEA *
FLUX CAPACITOR BINGO
GREAT SCOTT, IT'S BACK!

MAY 16th 2022

BACK TO THE EXPO

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Spring 2022

The Minnesota News

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Looking Forward to 2022

Hopefully the turning of the calendar to 2022 has brought all of you some excitement and a great start to the year. The association is excited to help all member agencies have a very successful year!

One of the biggest benefits of membership each year is the advocacy at the capitol through our lobbyist, Robyn Rowen. As the legislative session started, we again face a variety of issues that have an impact on our businesses. Robyn has provided short video updates that give us insight into what is happening at the capitol and how it impacts us. I encourage you to follow those messages and if you have any questions or other information to add, please reach out to the association.

The staff is preparing for our best Expo yet which is set for May 16th. The Expo will have a back to the future theme. The setting will continue to be at Mystic Lake Casino and I encourage all of you to register for the event. Registration begins March 1st.

One of the hottest topics the last few years has been cyber crimes and the hackers that want to steal all kinds of information from businesses. In addition to the cyber liability insurance coverage offering, the association will continue trying to find solutions for our members to give everyone peace of mind in knowing all of our data and information is protected. This seems to evolve each day and the association is committed to being at the forefront in helping all of our agencies.

Soon my presidency will come to an end, and I wanted to make sure I thank all the staff at the association for all their hard work. We are extremely lucky to have all of them. I would also extend a huge thank you to my staff at M&M Insurance! Finally, in addition to being my partner at the agency, I would like to specifically thank my wife, Joy. Her support has been invaluable!

We hope to see you all at the upcoming Expo!

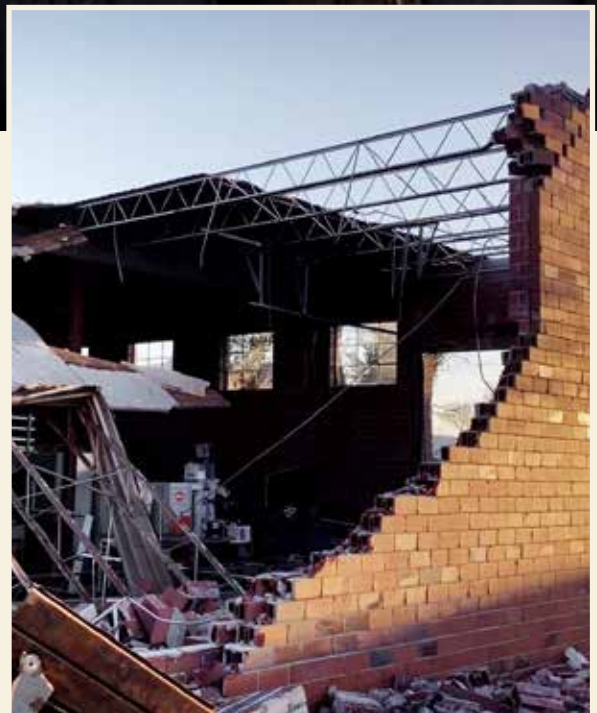
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It shouldn't take four days with no power, water,
or communication to find out who your friends are.

**BUT
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Join Us Back to the EXPO!

The Big I Minnesota is busily preparing to welcome our independent agents and partners to the “Back to the EXPO” event coming up on May 16th at Mystic Lake Event Center. Things will look a little different with the schedule, but we hope this will allow for more of your agency force to join in the learning and festivities. We begin with a mix and match of education sessions in the afternoon designed to inform and educate on Future Technologies, Agency Operations, and the ever changing Cyber Threats that we have experienced in increasing numbers. We have pulled in experts from around the country to discuss programs to help you decide what kind of technology to utilize in your agency, how to hire talent to increase efficiencies, and how to protect and stay compliant with the Cyber Security laws and concerns, especially since the insurance industry is #2 on the list of industries being targeted.

Get ready for a fun filled EXPO with the “Back to the Future” themed Flux Capacitor Bingo. Dress up like your favorite character from the movie including Marty McFly, Doc Brown, Biff Tannen, or George & Lorraine McFly. Wear your 80's themed clothing, or your “Back to the 50's” attire from the Dance Under the Sea to fit in.

We will end with an awards dinner to wrap up the day and honor our 2022 Award Winners, say goodbye to our current Big I MN President, Chad Ostermann from M&M Insurance and welcome our incoming Big I MN President, Shawn Flavin from Christensen Group.



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NAMED DRIVER EXCLUSION ENDORSEMENT?

BY:
GLORIA J. THOMPSON, CIC



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A colleague of mine recently asked if Named Driver Exclusion Endorsements can be legally added to automobile policies. It Depends. The Q & A below will hopefully provide some insight into the states that permit the exclusions, what coverage(s) they apply to and the purpose they serve.

What is a Named Driver Exclusion Endorsement?

When added to a **personal or commercial** automobile policy, this endorsement can either void all automobile coverage **or** substantially limit coverage if the person named on the endorsement operates or is in control of a covered or non-owned auto.

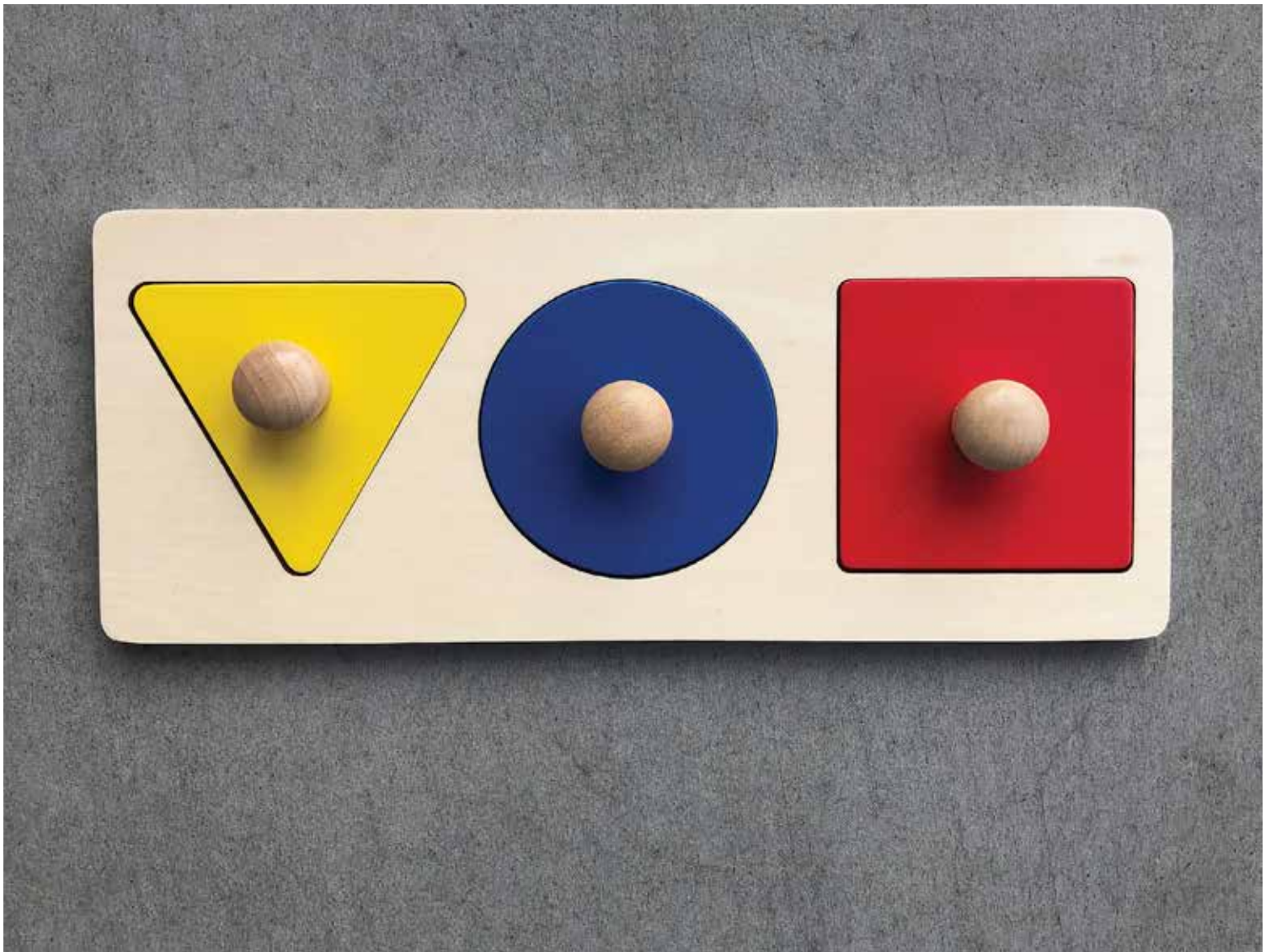
What is the purpose of a Named Driver Exclusion?

This exclusion allows an underwriter to consider a risk that is acceptable overall, but is unacceptable due to of the driving history or age of a particular driver or potential driver. Personal lines underwriters may consider this endorsement if the driving record of a household member does not meet the minimum underwriting standards. The use of the exclusion is more common on commercial auto policies, and is often added due to the driving record of one employee.

Are Named Driver Exclusions permitted to be used in Minnesota?

Yes and No. Voiding coverage in its entirety for a particular driver(s) is not permitted in Minnesota. However, coverage can be limited for persons named on a Named Driver Exclusion Endorsement. The commercial auto policy is required to provide the required state minimum liability coverage and limits.

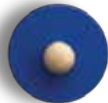
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Bodily Injury/Property Damage Sec. 65B.49 MN Statutes	\$30,000 Each Person/\$60,000 Each Accident \$10,000 Property Damage
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Uninsured/Underinsured Motorist Sec. 65B.49 MN Statutes	\$25,000 Each Person/\$50,000 Each Accident

*Physical Damage Coverage is not required by law and may therefore be excluded

Sample Exclusion Language – Minnesota

As a condition of the continuation of this policy, the “Company” will not be responsible or participate in any loss in excess of state minimum financial responsibility requirements involving any vehicle insured on the policy, or any other automobile to which the terms of the policy are extended, or any non-owned automobile that is operated or in control of the excluded driver named in this endorsement or shown on the declarations.

Do other states permit Named Driver Exclusions?

Yes. Insurance is regulated individually by each state. Most of the states surrounding Minnesota permit policies to be issued excluding **all** coverage for drivers named on a driver exclusion endorsement. If the home state of the named insured on the policy is North Dakota, South Dakota, or Iowa, full driver exclusions are permitted.

Summary

Whether driver exclusions are permitted depends on the state of insurance jurisdiction. In most states, coverage can either be eliminated completely or reduced to the minimum limits required by the automobile financial responsibility laws of the state.

Employers continue to struggle with recruitment and retention of employees. An increasing number are willing to make exceptions to their employment policies for employees (or potential employees) with multiple driving offenses, even alcohol related offenses, on their records. If applicable, driver exclusion endorsements will impact both auto and umbrella coverage, not to mention coverage contractually required by certificate holders, lienholders, and additional insureds.

When faced with the possibility of a driver exclusion (or coverage limitation) endorsement on an auto policy, search for available insurance options without such exclusions, even if they cost more. Remember to thoroughly document your file! The insured’s acknowledgement that a driver exclusion or coverage limitation exists on the policy could help avoid a misunderstanding and an E & O claim.



ABOUT THE AUTHOR:

Gloria has over 40 years of experience in the independent agency business and is currently Risk Advisor for North Risk Partners. She is an instructor for the National Alliance, Big I MN and conducts individual classes and consulting through Independent Resource Services, LLC. She is a past board member for the National Alliance’s CISR program. Gloria currently is the Education Chairperson for the MIIA Insurance Education Foundation



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At West Bend Mutual Insurance Company, helping our independent insurance agents, and establishing trust, is paramount to our success. West Bend has earned a reputation in the industry for building and nurturing strong relationships with agents through personal contact, responsible actions, and a genuine concern for our valued partners. Today, more than 1,500 independent insurance agencies across 15 states represent West Bend.

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*President & CEO
Kevin Steiner*



Our associates drive our culture of service and family at West Bend. It's because of them that we've been honored as a Best Place to Work in Insurance for 12 consecutive years by *Business Insurance* and as a Top Workplace by the *Milwaukee Journal Sentinel* for 12 years. West Bend was also honored by *Forbes* as one of America's Best Insurance Companies, Best-In-State Employers, Best Midsize Employers, and Best Employers for Women. *Fortune* recognizes West Bend a Best Workplace for Millennials.

We're very proud of the many awards acknowledging our workplace, community service, financial stability, and support of healthy lifestyles for our associates. All of these make West Bend a better company for our trusted agent partners.



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Keeping and retaining talent has been on the minds of agency owners from the day I entered this industry. It has remained in the top 5 concerns of agency owners in literally every survey I have ever read. With the current movement in our workforce, my guess is this topic will remain at the forefront for the foreseeable future. When this topic comes up, there is a great deal of focus placed on what current owners are doing to attract and retain great talent, but what about the other side to this conversation. I believe that in order to create a meaningful career and future within an agency, the responsibility lies with both the owner and the potential future owners. If you are a hungry, smart, energetic leader who sees the incredible opportunity that exists in our industry to become a business owner, my question to you is, what are you doing to build your pathway to ownership?

Opportunity is everywhere

According to the latest Agency Universe Study, there are 36,000 agencies across the United States. Over 49% of those agencies have owners that are 56 or older, which means that half, 18,000 agency owners, will be at or past retirement age in the next 5-10 years and thinking about transitioning ownership in their agency. According to the same study, the majority of agency owners want to transition internally to a current partner, employee, or family member. There will never be a better time to position yourself as a future agency owner. In addition, independent insurance agencies are incredibly strong businesses – seriously, name another industry where 85-90% of your revenue typically renews. I am not suggesting that there aren't challenges but, as far as opportunities go, this industry is rich! In fact, I still think it is one of the best kept secrets! So, the question is, with all of this opportunity, what are you doing to position yourself as a future owner?

Bridging the generational divide

I think we all talk about how to communicate with the next generation, but have you considered what you are doing to connect with the generations that came before you? Baby Boomers are wired to view hard work and commitment based on hours and time while that is far less important to GenX and Millennials who demonstrate their worth and commitment by making a difference and being innovative. The issue is, at our core, these perceptions and behaviors conflict. Having an awareness and ability to move past your own tendencies and meet people where they are is a skill that is incredibly important for leaders to possess. It is important in every relationship that we have, so having an appreciation for the different perceptions that we all have can go a long way in bridging this generational divide and demonstrating your leadership abilities. Small changes like being present or meeting in person when discussing important topics can go a long way. Seeking out advice and taking the time to consider and incorporate that advice into your approach builds mutual respect and shows that you value their opinions and shows your ability to relate to all different types of people.

Broadening your view

Have you ever heard that you should dress for the position you want, not the one you have? Using that same logic, you should think like the position you want not the position you have. Far before you have the title of owner, you can think like one by broadening your view and considering all aspects of the business not just your perspective. When a problem arises, ask yourself how the problem impacts all roles inside the agency, your customers and your partners. Ask questions about the business, and participate in creating solutions. Make the shift from sharing problems to sharing solutions. Leaders have to make some difficult and sometimes unpopular decisions, and it is incredibly valuable when others are able to rise above their own viewpoint and see the bigger picture. What are some ways you can do this and support the current owner? By taking this approach, the current owner will be able to picture you in a leadership role more easily.

Find your mentor and value their guidance

If you want to set yourself up for success, one of the best things you can do is surround yourself with people who are smarter than you, have different experiences and hold different viewpoints. We all have blind spots, so seeking out a diverse group of people who can make you think is powerful. They will be able to maintain a more holistic view of both the opportunities and challenges inside our industry. The industry is full of people who are willing to share and mentor each other, however, I would just caution you from surrounding yourself only with people who look, think and talk like you. The best predictor of the future is the past, except when you learn from it. The knowledge that many veterans in our industry possess can go a long way in helping you shape the future.

Planning for change

Often times young leaders are rich with energy, grand ideas, and aggressive goals – it is what makes you so incredibly attractive and, in many ways, frightening. For someone that has all of that energy, the current owner can feel like an anchor. For you, the inaction is discouraging and for the current owner the ready, fire, aim approach is frightening. The truth is your energy and approach may remind them of themselves twenty or thirty years ago. As with everything, the right path forward most likely lies somewhere in the middle. I would suggest sharing ideas with a thought-out plan that encompasses as many aspects as possible including time, cost, training, and supporting data to support your plan. Share ways to measure the success or failure of the idea and a process to implement. The more comprehensive and well thought out, the more trust and confidence you will instill that your ideas have merit, and you are going to be thoughtful in your approach.

Financial commitment

In addition, if you want to be a future owner, are you preparing financially? Are you prepared to purchase an agency? In order to secure a loan, you will need sound credit and the ability to put 10% down. Becoming an owner will require taking on both the financial risks and rewards of the agency, so the more you can do to gain an understanding of the business and all that is involved with running the agency, the better prepared you will be to become an owner. This topic is sensitive, but expressing an interest to learn and understand how the business works will speak volumes. Don't expect to get full access to the inner workings of the business the first time you inquire, start small and be patient. This process is a marathon, not a sprint and with the right mind-set and expectations everyone involved wins.

Change takes patience, trust and often times is a winding road with lots of twists turns. For those who are willing to be thoughtful and participate in building a pathway to a future that meets both their needs and instills confidence in the current owner – there are endless opportunities and a very bright future ahead. Remember a great deal went into building the business that exists today, and the thought of trusting someone else with your life's work is incredibly difficult. There are many ways to ease those fears and instill confidence that their legacy will be in good hands. So many agency owners are looking to find the right person to trust with all that they have built and provide them with the same opportunity as that given to them. To many, it feels like that person may be a unicorn. My advice to you is - be that unicorn! For more information visit www.agency-focus.com.



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Spring is Coming!

I have to say that is my favorite season. I love to garden. Watching the world come back to life after its winter rest is always a joy. In Minnesota, the running joke is our state has two seasons: Construction season, and everything else.

For the Minnesota Department of Commerce, we also live in a world of two seasons: The time when the Minnesota Legislature is in session, and the time when legislators are adjourned. With the 2022 Legislature now in session, I want to share with you some of the proposals and issues that Commerce is managing with legislators.

Before doing that, I'd like to highlight that February is [was] Insurance Careers Month. We all benefit when more people are interested in careers in insurance. The Department of Commerce has been doing quite a bit of hiring recently as we've experienced some of the same turnover as industry has. I hope you will join me in continuing to promote careers in insurance-related industries.

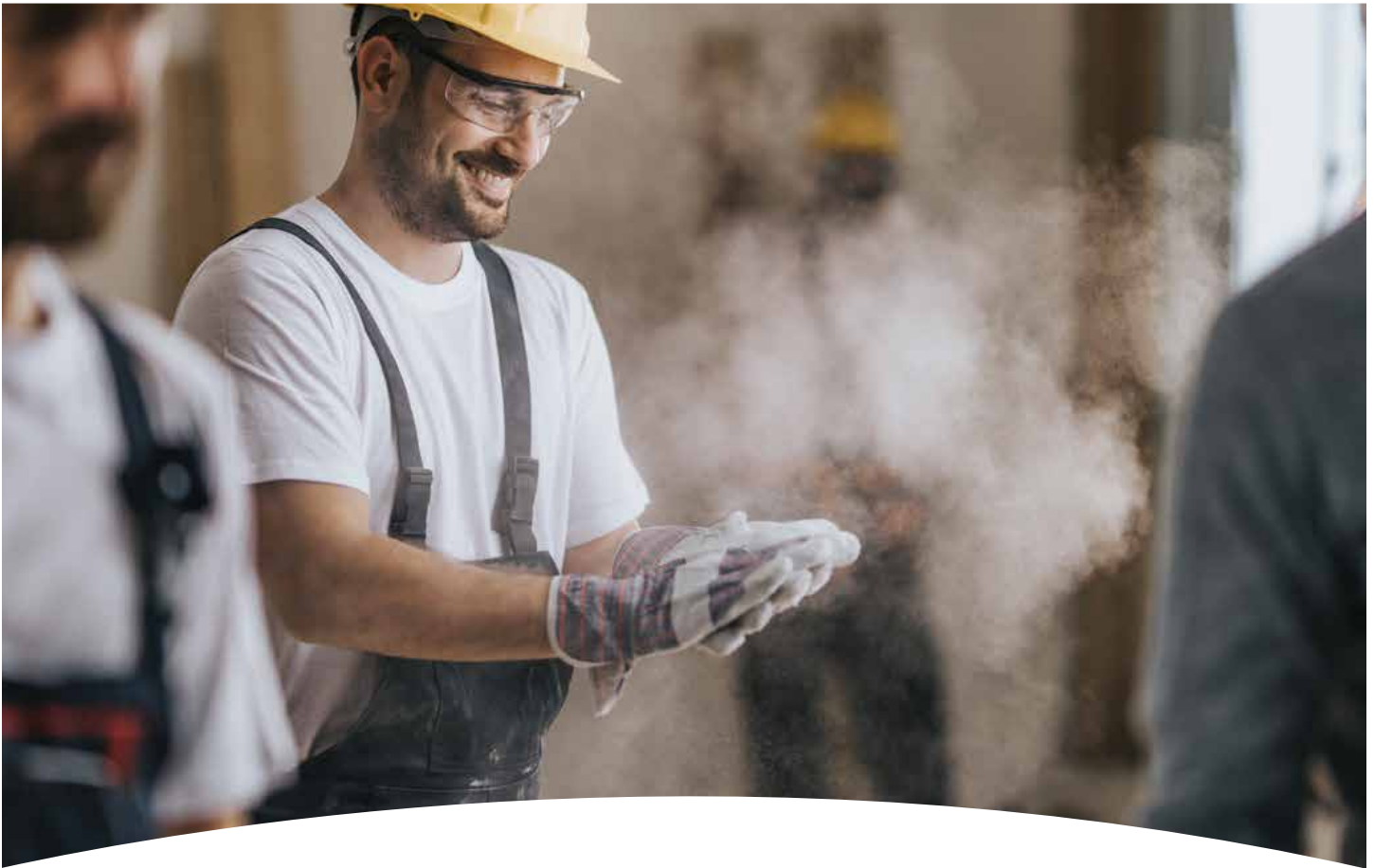
Insurance Careers Month coincides with Black History Month during February and is a time for all of us to think about how to engage our increasingly diverse population in Minnesota and across the nation, with careers in insurance, as well as services and products in insurance that meet diverse needs. It requires creative and innovative actions.

One of the ways Commerce is trying to be creative and innovative is a proposal we're bringing to the 2022 Legislature to enable companies to offer long-term care products that will serve people with middle incomes. That is an important need and would lower barriers for insurance carriers to potentially address a gap in the marketplace.

Our priority at Commerce is to ensure we have the infrastructure in place to do the regulatory work we need to do. For Commerce's Insurance Division, we want to ensure companies that are offering insurance are solvent and are able to pay claims. It is a basic requirement, but as you know, complicated in practice. The environment for insurance is constantly evolving. There are new insurance companies, products and services. The evolving insurance economy is a challenge.

The National Association of Insurance Commissioners is one way Commerce is involved to take on those challenges. One of the NAIC workgroups I serve on is looking at insurance companies





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that manage large data sets and run complex algorithms to make decisions that impact millions of people. We need to understand the impacts of those emerging technologies, how to keep it from harming people, and how to advance innovations in technology that benefit communities.

As regulators, we are challenged to develop guidance on how to manage the risks from climate change. Minnesota is already facing a changing climate with more extreme weather, as I wrote in my Fall 2021 column for Big I MN. Our changing climate has produced more heavy rains, more flooding, more risks for harm to property and risk for loss of life. That's an evolving challenge.

Another of our priorities for the 2022 legislative session is a proposal for more insurance staff at Commerce. Specifically, we are seeking a senior manager who is an expert in auto and homeowner and property casualty insurance. Commerce needs people with skills to meet these challenges, to best serve you and the people of Minnesota.

I had the opportunity to talk about Commerce's 2022 session priorities at the Minnesota Association of Farm Mutual Insurance Companies annual conference. I'll extend to you the same invitation I gave to MAFMIC members: Share your ideas. Help Commerce to understand the communities you serve, the environment and challenges you face in your work.

You are valued partners in our work because you are able to tell Commerce what Minnesotans need.



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EXPO LINE-UP

MIX &
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RECEPTION
UNDER THE SEA



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MAY 16th 2022

BACK TO THE EXPO

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THE ULTIMATE
EXPO GUIDE



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Get in the Spirit! All Greasers, Ivy Leaguer's and Sock Hoppers are welcome!

We are encouraging all Exhibitors and Attendees to dress for the event.

Poodle Skirts, Saddle Shoes, Duck Tails & Chuck Taylor All-Stars are encouraged.

A "secret" judge will be checking out all of the costumes and picking a winner!

SCHEDULE OF EVENTS

1:00-1:50PM Waconia 5	What is Catalyt? <i>Steve Anderson, Co Founder & CEO of Catalyt</i>	Learn about Catalyt – your new Big “I” go-to technology resource for independent insurance agencies. Catalyt helps agencies discover, evaluate, select, and implement the best technology for their organizations. World-class tech experts, guidance, solutions, training, and community can now be found in one place! Learn how you can access technology solution guides and reviews, training assessments, and tools through Catalyt.com. Steve Anderson, one of the original thought leaders/influencers for LinkedIn will guide you through important resources and technology available to you and your agency.
1:00-1:50PM Anoka 1&2	Make Hiring Easier with CareerPlug <i>Andrew Streff, CareerPlug</i>	Learn how to leverage CareerPlug’s recruiting and hiring software that has been customized for Big I MN members to build a better team.
1:00-2:50PM Waconia 6	The Anatomy of a Ransomware Attack (2CE) <i>John Immordino, Sr. VP Professional Liability</i>	Ransomware attacks are up 400%. The threat actors are more sophisticated than ever and they are now asking for seven figure demands. This course will provide agents with an understanding of the evolution of cyber ransom attacks. We will begin by understanding how the threat actor gets into their system and then follow along to see what they do while they are there. (Note: This session runs for two hours)
2:00-2:50PM Waconia 5	Launching the IOI for Independent Agencies Selling Through Partnerships & Embedded <i>Jason Kolb and Aaron Larson, Dais</i>	For agencies who are thinking differently about ways to grow and expand, there are powerful new opportunities emerging to use partnerships and data to upsell insurance to companies and consumers during adjacent transactions. From sourcing partnerships to selling insurance for items being financed to cross-selling to your customer’s customers, and using the data that’s already there to prefill and produce instant quotes, this session will cover new and different ways to grow using the Internet of Insurance. Topics will include: 1. What kind of embedded partnerships have been successful, and which haven’t 2. How the mechanics work, and what you need to be successful in terms of markets, products, and customer experience 3. Next steps: what you need to do to capitalize on the opportunity, how to set up digital touchless sales without disrupting your operations
2:00-2:50PM Anoka 1&2	How To Achieve Growth & Operational Excellence with Virtual Assistants <i>Monica Adwani & Troy Thompson, Savvital</i>	This presentation will be focused on how implementing VAs, Process and Accountability can help the Insurance Agency increase revenue and profitability by leveraging time and cost.
3:00-3:50PM Waconia 5	Data Driven Agency (1CE) <i>Carey Wallace, Agency Focus</i>	There is no question that change is happening at record pace, what are you doing to evolve and change with it as an organization? We will explore how agencies have evolved given the rapid change we face in all aspects of our lives. Customers, carriers and our staff all have different expectations, and our organizations need to continue to evolve to meet and exceed those expectations. Data, technology and relationships are the key to the agencies of today and tomorrow!
3:00-3:50PM Anoka 1&2	Get a Grip on your Agency and live The EOS Life! <i>John Klick, Professional EOS Implementer</i>	John introduces a complete set of simple concepts and practical tools being used by thousands of entrepreneurial leadership teams to clarify, simplify and achieve their vision – the Entrepreneurial Operating System (EOS)®. The EOS Life is doing what you love, with people you love, making a difference, getting compensated appropriately and having time for other passions.
3:00-3:50PM Waconia 6	Big I Cyber Panel Discussion moderated by John Immordino <i>including CyberFin - Chris Steffl, Daniel Metcalf</i>	Join us for the Big I Cyber Panel discussion. Hosted by John Immordino, you will hear answers from a panel of agency technology experts and owners on the following: • Top 5 cyber security questions Big I MN members ask • Top 5 cyber security questions Big I MN members should be asking • Big I MN members bring their own cyber security questions.
3:00-5:30PM Minnetonka	Exhibit Hall	Be sure to participate in our Flux Capacitor Bingo and visit each booth. Drawing will be held at our Awards Dinner.
5:30-6:30PM Pre-Function	Reception Under the Sea	Network and mingle with your company reps, peers and vendors at this interlude before our Awards Dinner.
6:30-8:00PM Waconia 1-4	Awards Dinner	You won’t want to miss this year’s Keynote Speaker! The night will kick off with dinner, an awards ceremony and Key Note Address: “What’s Next? Tech Trends that Will Transform Insurance and Your Agency” by Steve Anderson - Co-Founder & CEO, Catalyt LLC Insurance technology expert



Our Keynote Address:

What's Next? Tech Trends that Will Transform Insurance and Your Agency

Steve Anderson, Co-Founder & CEO, Catalyt LLC Insurance technology expert

Steve Anderson discusses the latest technology and trends that are changing how agencies operate. Find out about specific technologies and innovations that can generate real value for your agency and clients. Keeping up with technology is a key to maximizing your customer experience. Steve will tell you which technologies to use and how to use them.



Great Scott it's Back!

Flux Capacitor Bingo

We will be providing a Bingo card to each Agent attendee

The attendee can turn in the bingo card once they have gotten stamps from visiting 25 booths for one chance to win the Grand Prize. If the attendee visits 50 booths they get two chances to win. The drawing for the Grand Prize will be held during our Awards Dinner from 6:30-8:00pm

Cost

\$99.00 Member

\$199.00 Non-Member

Hotel Information

To book your sleeping room by phone at the Mystic Lake Casino Hotel, 2400 Mystic Lake Blvd., Prior Lake, MN, 55372, (952) 445-9000
Group Code: Big I Minnesota Block. Cutoff deadline is April 13, 2022.

Questions

Please call Keith Knapp at 763-235-6478 or email kknapp@bigimn.org with any questions. Refer to www.bigimn.org for complete event details, exhibitor information and sponsorship opportunities.



MYSTERY BOX

In addition to the Grand Prizes we will have additional prizes available throughout the event.

At registration each Agent attendee will get a key that may open the Mystery Box. There will be multiple winning keys distributed and the box will be refilled with a new Mystery Prize after a winning key opens it.

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Agency Risk Management Essentials: Is your website doing more harm than good?

Your agency's website is your "business card" to the world. Well managed, it can be the cornerstone of your operational and marketing strategy. If not, it can and will be used to strengthen a claimant's E&O case against you.

The Swiss Re Corporate Solutions claims team has seen an increasingly emerging issue stemming from this evolving part of your business. Seemingly harmless content on your website, emphasizing competitive advantages or certain expertise, can very quickly and unintentionally increase the agency's standard of care resulting in a higher duty than normally required. That can be detrimental to your defense in a claim situation. To help mitigate the risk of an increased standard of care, we consulted risk management professionals with expertise in this area. Their suggestions are shown below. We hope you find these useful in creating and reviewing your agency website's content.

- | | |
|--|--|
| <p> Do clearly specify in which states the agency is licensed.</p> | <p> Don't say the agency does things or provides services it does not do or provide.</p> |
| <p> Clearly state the lines of coverage the agency writes (or does not write). For example: not all P&C agencies handle benefits lines.</p> | <p> Don't say that you can ensure that any claim will be fully covered.</p> |
| <p> Do clearly state that misstatements or omissions of relevant information by the client can lead to price variation or even declination or rescission of coverage.</p> | <p> Don't use terms such as "expert", "specialists", "best price", "most comprehensive", "fully covered", or "partner".</p> |
| <p> Do clearly state that information requested to provide a quote or work on coverage will not be shared with carriers or with any other entity without the applicant's permission.</p> | <p> Avoid terms promising absolutes such as "immediate response time", "ALL lines of insurance", "all risk", "24/7", "all carriers", "addressing ALL of your coverage needs", "constantly reviewing".</p> |
| <p> Be clear: requesting coverage does not guarantee coverage can be provided. Coverage can begin only with specific statement by a licensed member of the agency staff.</p> | <p> Don't include client testimonials that show the clients' names and identifying information without being sure the testimonial is specific to their experience thus avoiding an increase in your standard of care. Be sure to have their express written permission, along with a procedure to remove their testimonial if they are no longer a customer.</p> |
| <p> Do clearly state by including a disclaimer that none of the information provided in the website is a guarantee that insurance will be provided or that the agency is obligated to procure insurance for the website visitor.</p> | <p> Don't launch a website without carefully reviewing the language, with an E&O risk management eye. Template agency websites or advertising firms simply may not have E&O on their radar. Involve your legal counsel in reviewing the language.</p> |
| <p> Do obtain express written consent from your carrier(s) or any other entity(s) if you use their name or logo on your website.</p> | <p> Don't have a quote mechanism (form-fill or Rater) and then fail to respond in a timely manner.</p> |
| <p> Do use a Privacy Statement on your website and be sure to encrypt any pages that collect Personal Identifying Information, such as an online quote form.</p> | <p> Don't use open text boxes for customers to type messages to you unless adequately encrypted. You have no control over the information entered in the text box. If a breach occurs during transmission of that message, your agency may be held liable for the release of Personal Identifying Information.</p> |

REMEMBER: Risk Management starts before the sale



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If you would like more information about websites and protecting your agency, as an IIABA member there are additional free member benefits available through the IIABA [Virtual University](#) and [Agency Council for Technology](#). If you are also a Swiss Re Corporate Solutions/Westport Insurance Company policyholder, you have access to the premier risk management website, [E&O Happens](#).

If you are interested in having your website reviewed for terms or phrases which could potentially increase your E&O risk, the list below shows agency E&O professionals you may want to contact:

Virginia Bates

VMB Associates, LLC
115 Ashland Street
Melrose, MA 02176
Phone: 781 665-0623
Fax: 425 732-7142
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www.VMBHits.com

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Cell: 203-470-9921
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www.kwcllp.com

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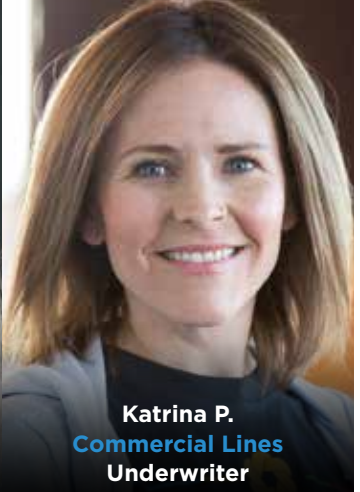
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*IMT Insurance President & CEO
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For more than 135 years, IMT Insurance has been helping make people whole again after a loss. That is the very essence of our being, and one we believe we do well. IMT continues to offer a strong line of personal and commercial insurance products supported by exceptional customer service.

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IMT takes pride in the culture within our walls. As a Midwest regional mutual company, the relationships we build with our independent insurance agents, insureds and our employees are key to business success and employee satisfaction.

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diverse group of agents, customers, and employees.

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IMT is built on deep roots and relationships in our communities. Our company believes we can have, and should have, a positive impact, in and around our writing states, through charitable giving and volunteer support.

We're fortunate to be in a position where we can continue to grow. Together, with more than 300 employees and 950+

independent insurance agency locations, we offer personal and commercial insurance products for auto, home and business throughout a six-state territory – Iowa, Illinois, Minnesota, Nebraska, South Dakota, and Wisconsin.

We've got an eye on the past and a keen sense for the future, continuing to live up to our slogan, "Be Worry Free!"

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E&O Q&A

By Mary LaPorte, CPCU, CIC, LIC, CPIA

Agent's questions about Errors and Omissions, and how E&O losses can be prevented.

Q: We are having a discussion in our personal lines department about comprehensive coverage under the auto policy. Some of our carrier's policies use the term "comprehensive" while others say, "other than collision." Which coverage is better, and what really is the difference between them?

Kevin, Texas

A: Kevin, believe it or not, I get this question a lot. The answer is – in most cases – they are exactly the same. The ISO Personal Auto Policy (PAP) has used Other than Collision rather than Comprehensive for many years, and it surprises me when it is misunderstood. Carriers who use their own proprietary forms may use either term. The PAP defines "Collision" but it does not define Other than Collision. That is because Other than Collision is simply everything else that is not a "Collision." This is such an important point, that after describing what "Collision" is, the policy goes on to describe certain events that would not be considered a "Collision." It states: Loss caused by the following is considered other than "collision:"

In recent years, I have seen a few sub-standard carriers carve coverage out of their policy by intentionally moving the quotation marks so that the policy states: Loss caused by the following is considered "Other than Collision" rather than Other than "Collision." When doing so, the list which follows becomes the definition of "Other than Collision." In other words, it turns that very broad coverage into named perils only.

Both Other than Collision and Comprehensive coverage are typically very broad and include any event that is not excluded. Here are some examples of losses covered:

- A bottle of bleach tips over on the back seat on the way home from the grocery store, the cap flies off and the bleach damages the upholstery and carpeting.
- The insured's three-year-old fills the gas tank with water from the hose.
- Squirrels or mice hide nuts/acorns/dog food around the engine block, causing the engine to overheat and seize up.
- Skunk gets in the car and does damage. Battery acid, blood, etc. are all covered under Other than Collision or Comprehensive.

I could go on. The basic rule is, if it is not a Collision, and not excluded, it is covered under Other than Collision or Comprehensive.

The take-away here is that both coverages are equally broad. However, keep alert to identify any policy with quote marks around "Other than Collision" rather than Other than "Collision" and avoid placing coverage in those markets.



For resources to help reduce your agency's E&O exposure, see Mary's book: ***Mission: Excellence - Creating an Internal E&O Loss Control Program.***

Visit her website at www.lpinsuranceconsult.com for more information.

Mary LaPorte is a consultant and educator with a strong background in Errors & Omissions loss prevention. Forward your E&O questions to marylp@lpinsuranceconsult.com



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ADVOCACY AGENDA

Raising the Stakes

InsurPac once again surpasses its fundraising record

By Nathan Riedel

Records are set to be broken. It is a famous cliché that has been around for centuries.

In 1974—the same year that the Big “I” federal political action committee, now called InsurPac was formed—Hank Aaron broke Babe Ruth’s home run record. In 2021, InsurPac hit another home run and proudly broke its previous record for most money raised in a calendar year, finishing with \$1,245,352 in receipts, easily surpassing its previous high from 2019.

A total of 3,660 donors throughout the country invested an average of \$340 per person. There were 772 donors who gave \$500

or more. These individuals are recognized on the following pages. A complete list of all donors can be viewed at insurpac.com, along with additional information. A total of 353 major donors gave \$1,000 or more, 66 contributed over \$2,500 and 29 gave the maximum amount of \$5,000.

The year concluded with a record \$286,465 raised in December alone. Leading the charge was South Carolina, which defended its title of InsurPac National Champions by raising \$100,303. Rounding out the top five were Massachusetts (\$83,980), Texas (\$73,480), Illinois (\$62,688) and Georgia

(\$51,316). Overall, a record total of 41 states achieved their InsurPac goal.

A similar story played out in the race for the Big “I” Presidents Cup, given annually to the state whose past and current state presidents or chairs contribute the most money to InsurPac. South Carolina took the cup, raising a total of \$24,058. This marked the third time in four years that South Carolina has taken the award, which was created in 2018.

During the fundraising campaign, a record 18 states became InsurPac Eagle states after contributing an average of \$100 or more per agency member. South Carolina led the charge by raising an average of \$302 per agency. Other states to achieve Eagle status were Arkansas, Connecticut, the District of Columbia, Georgia, Hawaii, Idaho, Kansas, Louisiana, Maine, Maryland, Montana, Nebraska, Nevada, New Hampshire, North Dakota, South Dakota and Tennessee.

Young agents across the country also stepped up their game and contributed nearly \$154,000. South Carolina completed the “Triple Crown” by repeating as young agent National Champions with a total of \$23,145. Georgia finished second with a total of \$15,801. Thirty-one states achieved their young agent InsurPac goal.

Strong fundraising from states across the country is emblematic of the grassroots activism the Big “I” has become to be known for over the years. Healthy participation in the political process signals a strong and active membership to members of Congress, who are keenly aware of which groups have the largest political action committees. InsurPac remains one of the largest small business political action committees in the country. It is a primary reason why publications recognize the Big “I” as one of the most effective lobbying associations on Capitol Hill.

While the 2021 fundraising campaign provides ample reason to celebrate, the new year will quickly turn the page to new opportunities, and a new quest to raise the bar even higher. In politics, there is no room for complacency. Records are set to be broken.

Nathan Riedel is Big “I” vice president of political affairs.

2021 InsurPac Donors by State

STATE	Average per Agency	Total Raised	STATE	Average per Agency	Total Raised
South Carolina	\$302.12	\$100,303.00	Rhode Island	\$67.74	\$8,400.00
North Dakota	\$267.65	\$13,650.00	Kentucky	\$67.28	\$15,610.00
Nevada	\$227.74	\$14,120.00	Minnesota	\$64.16	\$20,402.17
Arkansas	\$132.25	\$25,525.00	Texas	\$63.62	\$73,480.00
Maryland	\$131.45	\$21,164.00	Alabama	\$62.59	\$17,150.00
Tennessee	\$130.37	\$47,325.00	Wyoming	\$60.71	\$1,275.00
South Dakota	\$127.01	\$25,275.00	Oklahoma	\$60.46	\$20,435.00
New Hampshire	\$124.06	\$16,376.00	Alaska	\$58.51	\$2,750.00
Nebraska	\$123.29	\$35,138.30	Mississippi	\$58.22	\$10,887.00
Maine	\$121.82	\$13,400.00	Missouri	\$58.08	\$25,788.00
District of Columbia	\$114.81	\$3,100.00	Iowa	\$48.70	\$28,589.00
Louisiana	\$111.04	\$40,642.00	West Virginia	\$47.86	\$3,350.00
Montana	\$105.38	\$9,800.00	Arizona	\$46.60	\$14,026.00
Idaho	\$104.61	\$7,950.00	California	\$41.35	\$14,349.00
Georgia	\$103.67	\$51,316.00	Oregon	\$39.35	\$6,100.00
Hawaii	\$103.13	\$2,475.00	Wisconsin	\$38.71	\$10,645.00
Kansas	\$102.06	\$33,270.00	New York	\$38.46	\$42,270.00
Connecticut	\$101.69	\$17,185.08	New Mexico	\$36.92	\$3,950.00
Indiana	\$90.95	\$31,925.00	Delaware	\$34.69	\$1,700.00
New Jersey	\$81.33	\$27,570.00	Virginia	\$28.63	\$9,305.00
Vermont	\$75.84	\$5,840.00	Colorado	\$26.59	\$8,590.00
North Carolina	\$75.71	\$48,910.50	Florida	\$23.71	\$33,976.00
Massachusetts	\$74.12	\$83,980.00	Utah	\$22.17	\$2,350.00
Michigan	\$72.10	\$42,253.00	Pennsylvania	\$20.13	\$19,300.00
Illinois	\$71.07	\$62,688.00	Ohio	\$9.76	\$10,792.14
Washington	\$70.86	\$17,927.75			

InsurPac Donors at the Gold Club and Higher

A complete listing of all donors can be found at insurpac.com.

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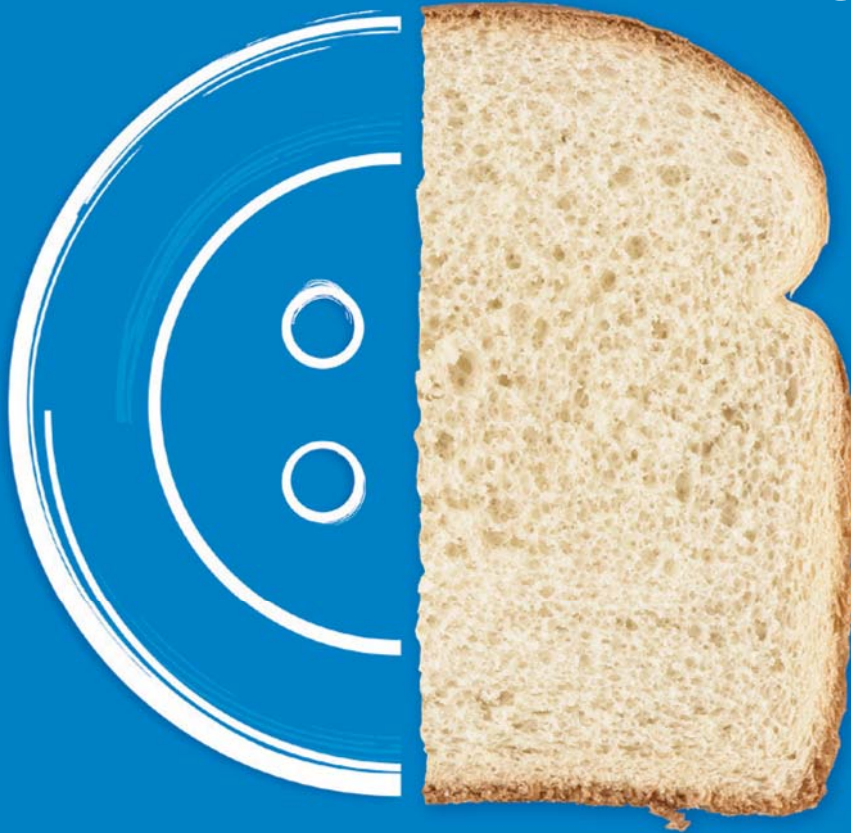
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Equipment Breakdown Coverage

Several times each year, I get a message from an agent who is in the middle of trying to figure out what they should have done in certain situations that only happen once in a while, but when they do, it can leave everyone wishing they had done more to provide proper coverage. For this article, I call it “true breakdown coverage.”

As most of you know, our Building and Personal Property coverage forms, including most of the various BOP forms out there, often do not provide any help for losses that have to do with certain causes of loss. I am referring to losses caused by explosions of pressure vessels, electric arcing, centrifugal force, mechanical breakdown, and so on. In the old days, we would call the solution to these perils “Boiler and Machinery” coverage. Today, it is often called either “Mechanical Breakdown”, or more often, “Equipment Breakdown.” This coverage is provided by the various carriers in different ways, sometimes as a separate policy, or an endorsement, or it might be an “additional coverage” that is built into a policy (like a high-end BOP or Building or Package form).

Here is the problem. Most of our forms are on a “Special Causes of Loss” basis that has an insuring agreement with language that typically says a loss must be caused by **“direct physical loss or damage”**. The word **“direct”** will require some kind of **manifestation**. That means the property burned, was blown up or away, sagged, shows signs of smoke damage, was stolen, etc. But what happens if a machine just stops working and there is no outward sign (or manifestation) of damage? For industries that rely on their machines to make certain products, this can be a devastating loss, and often the client will be told there is no coverage.

Let’s take an example of an actual loss. A machine that was mixing and drying a certain product (hermetically sealed in the machine) stopped working before the process was complete. The client suffered the following losses:

- Loss to the machine, which had to be replaced (\$175,000)
- Loss of use of the machine which not only had to be replaced, but also had to be tested for several months (Federal requirements) (\$100,000)
- Loss of their customer’s product that was ruined when the machine quit running prematurely, and for which the insured had contractually agreed to be absolutely responsible while the product was in their care and control (\$85,000)
- Extra Expenses incurred in getting the new machine ordered and installed as quickly as possible (\$35,000).

An interesting result is that the policy (provided by a very large and very prestigious insurance carrier) had a sub limit of coverage entitled “Mechanical Breakdown”, which one would think would come into play here. But the insuring agreement for the built-in coverage was also on a “direct physical loss or damage” basis, so the whole situation was one “no coverage” loss.

Another loss to a freezer complex occurred recently, when the freezers just shut down and stopped working. Once again, there was no manifestation or cause of loss to justify the stoppage – and the claim was denied. By the time the loss was discovered, the frozen food was no longer completely frozen and the customer would not accept it for delivery in their food establishment.

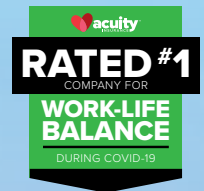


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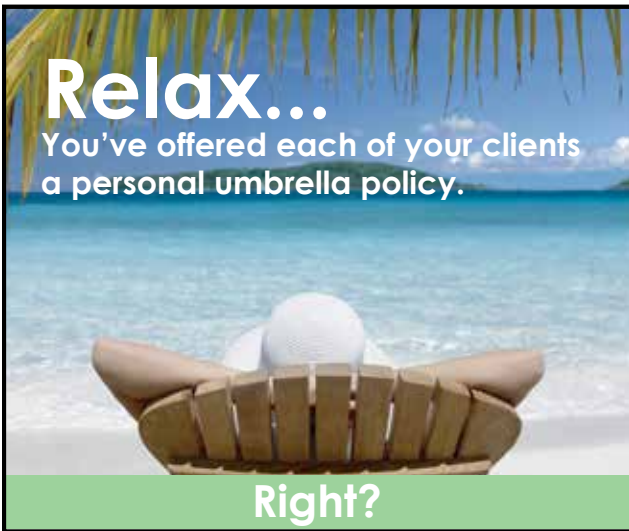


The solution to the problem is really fairly simple – you want “true mechanical or equipment breakdown” coverage. However, it is provided, look at the **insuring agreement** of this special coverage. Remember, it can be a separate policy, an endorsement or a built-in sub limit. If the words “direct physical loss or damage” are there, that is fine as long as they are followed by the word “failure” or “malfunction”. The word “failure” is my preference since carriers sometimes use the word “malfunction” later in their forms to describe property not covered, or property excluded. “Failure” will provide coverage when the machine just quits. Your clients will have coverage when their machines just stop running, and you do not have to be concerned about manifestations or signs of damage.

* * * * *

In a related topic, I was asked by a couple of agents what to tell their clients when they are selling **off-premises power interruption**. This, too, is provided in a number of ways, but usually is offered by our carriers on a direct and an indirect basis. Their main question was how to explain to a client why they might want the indirect as well as the direct coverage.

I use a very simple example. The local grocery store suffered a loss when the power was knocked out by a storm a couple of blocks away. The loss was to their banana, the only product they had to sell. The banana cost the grocer 50 cents to obtain from their supplier, and this is what they would receive under the direct coverage – \$.50 cents. But if the grocer also buys the indirect coverage which is designed to cover their extra expenses and/or loss of income from the interruption of power, the grocer could receive their mark-up price. Let’s say they will sell the banana at \$1.25. The indirect coverage could provide the \$.75 of mark-up. This is all subject to the limits and other conditions of the coverage, of course, but that is a simple way to show why a client might want to consider this coverage.



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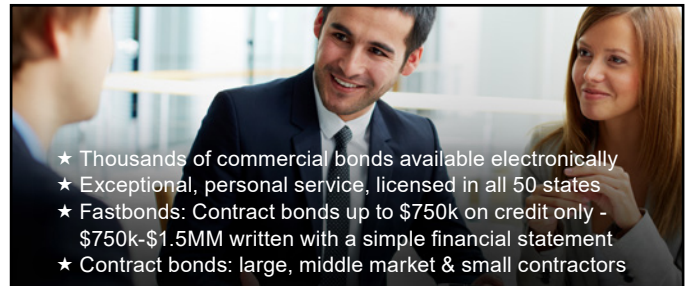
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