**NEW YORK**

**COMMERCIAL LINES MANUAL**

**DIVISION SIX - GENERAL LIABILITY**

**SKI PROGRAM RULES**

Below is a series of General Liability forms unique to the Ski industry that is not currently available from ISO. Each of these forms will modify the current edition of ISO CG0001 Commercial General Liability Coverage form.

**MANDATORY ENDORSEMENTS**

**Ski Operations General Liability Exclusion Endorsement NY 121949**

This endorsement modifies the ISO CGL CG0001 by excluding the following: performers at concerts, shows or events except if BI/PD is caused by the negligence of the insured. Real estate agents or brokers errors or omissions are also excluded.

There is no premium charge for this endorsement.

**Ski Operations General Liability Enhancement Endorsement 102178**

This endorsement broadens coverage for Ski Operations. The form provides limited care, custody or control coverage subject to a sub limit and deductible. Supplementary Payments for bail bonds is increased to $2500 and daily expense related to investigation of claims is increased to $350. This form provides unintentional errors or omissions coverage as well as a Liberalization clause. Certain vehicles common to ski areas such as snow removal equipment are redefined as “mobile equipment” not “autos”. It also expands coverage to include several additional insureds common to ski areas and redefines several limits of insurance.

There is no premium charge for this endorsement.

**Ski School and Ski Club General Liability Enhancement Endorsement NY 121954**

This endorsement broadens coverage for Ski Schools and Ski Clubs. This form provides limited care, custody and control coverage subject to a sub limit and deductible. Supplementary Payments for bail bonds is increased to $2500 and daily expense related to investigation of claims is increased to $350. This form broadens the Knowledge of Occurrence Conditions. This form provides unintentional errors or omissions coverage as well as a Liberalization clause. Coverage is also expanded to include several additional insureds common to ski schools and redefines several limits of insurance.

There is no premium charge for this endorsement.

**Ski School and Ski Club General Liability Exclusion Endorsement 102180**

This endorsement modifies the ISO CGL CG0001 by excluding the following: miscellaneous activities such as hang gliding, parachuting, hot air ballooning, bungee cord jumping; tubing, sledding, tobogganing or lugeing. This form further excludes saddle animals for hire, off-season operations, survival camps, overnight lodging of students, guests or members, alpine/Nordic ski equipment sales and rental with an exception for insured ski swaps, and ski racing. This form excludes operation, maintenance or use of “mobile equipment” for hire. This form also excludes “bodily injury” or “personal and advertising injury” due to refusal to employ, termination or employment related practices.

There is no premium charge for this endorsement.

# OTHER MANDATORY ENDORSEMENTS

# Composite Rating Plan Premium Endorsement NY 121970

This mandatory endorsement attaches to all accounts that are rated on a composite basis and accurately reflects the actual exposures in this program. This form incorporates all possible basis of premium types which will be used the program.

There is no premium charge for this endorsement.

**Amendment to Cancellation and Premium Conditions - Composite Rated Accts** **121893**

This mandatory endorsement attaches to all accounts to which the Composite Rating Plan Premium Endorsement is attached and modifies the Common Condition endorsement, IL 0017 to amend the cancellation provision to determine the earned premium based on the rate used in the premium computation.

There is no premium charge for this endorsement.

**Ski Operations General Liability Enhancement (including dispensing of drugs) 113678**

This endorsement includes all the same coverage enhancements as Ski Operations General Liability Enhancement Endorsement 102178 with the additional coverage for dispensing of drugs and is mandatory for all ski accounts that have employees or volunteer workers who are duly trained and licensed as physicians, nurses, physician assistants, paramedics, or emergency medical technician to dispense drugs.

This endorsement broadens coverage for Ski Operations; provides limited care, custody or control coverage subject to a sub limit and deductible; increases Supplementary Payments for bail bonds to $2500 and daily expense related to claims investigation to $350; provides unintentional errors or omissions coverage as well as a Liberalization clause. Certain vehicles common to ski areas such as snow removal equipment are redefined as “mobile equipment” not “autos”. This form also expands coverage to include several additional insureds common to ski areas and redefines several limits of insurance.

There is no premium charge for this endorsement.

**Exception for Mobile Equipment Exclusion NY 121950**

After satisfactory review of the operations and controls of each insured’s request to remove the ISO exclusion, this endorsement is mandatory for Ski resorts that hold scheduled Ski events at the insured’s premises and for which separate insurance is purchased by the promoters of or participants in the event. This endorsement clarifies that our policy is excess over any other insurance listed on the form. We are making this exception so that our insured is not barred from coverage by the Mobile Equipment exclusion in the CG 0001 form when an event involving an excluded class of mobile equipment is being run at their premises.

There is no premium charge for this endorsement.

**Amendment of Bodily Injury Definition Endorsement 102173**

This form expands the definition of bodily injury to include sickness resultant from mental anguish or emotional distress and is mandatory for all ski accounts.

There is no premium charge for this endorsement.

**Racing and Exhibition Endorsement 102176**

This form limits coverage for persons practicing or participating in any race, race instruction or exhibition and is mandatory for all events if any of those persons or participants do not sign a release.

There is no premium charge for this endorsement.

**Residential Construction Operations Exclusion 102183**

This form modifies the ISO CG0001 by specifically excluding “residential construction operations” that might be undertaken by a ski area. This form is mandatory and required to be attached if there is a known residential construction operation defined as the design, engineering, development or construction of a residential premises including, but not limited to, detached single family houses, single family part of a multiple family dwelling, or multiple unit residential structures, such as condominiums, town homes or cooperatives.

There is no premium charge for this endorsement.

**OPTIONAL ENDORSEMENTS**

**Broad Form Named Insured 117526**

# This endorsement serves to clarify the definition of “Named Insured” and who is included in that definition.

There is no premium charge for this endorsement, which is available at the Insured’s request.

**NY Aggregate Deductible Liability Endorsement with Liquor 121869**

The endorsement is optional and allows the selection of a deductible option with an aggregate deductible to apply to Bodily Injury and/or Property Damage and/or Bodily Injury and Property Damage combined and may include Liquor Liability. The deductible factors will apply to the GL rates and the Liquor Liability rates according to the deductible selection. This endorsement does not apply to the following coverages:

Abuse or Molestation or Sexual Misconduct Liability; Employment Practices Liability; Pollution Liability of any type, including New York Limited Named Perils Pollution Endorsement; Special Event Liability; Professional Liability of any type, including Hospitality Services and Salon or Spa Professional Liability; Corporate Identity Protection; and Cyber Liability.

Rule: Aggregate Deductible Factors

We will use ISO rules for deductibles and deductible discount factors and further modify when an Aggregate Deductible applies to the account per Tables A & B below.

The factor will be applied as follows:

ISO Increased Limits Factor (ILF) - ISO Deductible Discount Factor + Aggregate Deductible Factor = final ILF.

Aggregate Deductibles are not available for deductibles below $5,000.

An optional ten times Aggregate Deductible will be available only for accounts with more than $10M in gross revenue.

**Table A – Five Time Aggregate Deductible Factors**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Revenue Bands** | | | | | |
| **ISO Deductible** | **$0 - $5M** | **>$5M - $10M** | **>$10M - $25M** | **>$25M - $50M** | **>$50M - $100M** | **Over $100M** |
| $5,000 | .001 | .003 | .025 | .057 | .073 | .083 |
| $10,000 | .001 | .004 | .036 | .095 | .128 | .147 |
| $15,000 | .001 | .003 | .040 | .121 | .17 | .199 |
| $20,000 | .001 | .003 | .041 | .139 | .204 | .243 |
| $25,000 | .001 | .002 | .039 | .151 | .232 | .28 |
| $50,000 | .001 | .001 | .025 | .162 | .314 | .411 |
| $75,000 | .001 | .001 | .014 | .138 | .343 | .489 |
| $100,000 | .001 | .001 | .008 | .107 | .344 | .538 |

**Table B – Ten Time Aggregate Deductible Factors**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Revenue Bands** | | | |
| **ISO Deductible** | **>$10M - $25M** | **>$25M - $50M** | **>$50M - $100M** | **Over $100M** |
| $5,000 | .002 | .026 | .057 | .076 |
| $10,000 | .001 | .036 | .095 | .134 |
| $15,000 | .001 | .037 | .121 | .179 |
| $20,000 | .001 | .035 | .138 | .216 |
| $25,000 | .001 | .031 | .150 | .247 |
| $50,000 | .001 | .012 | .154 | .345 |
| $75,000 | .001 | .004 | .118 | .390 |
| $100,000 | .001 | .001 | .078 | .406 |

**Exception to Pollution Exclusion Endorsement 102175**

This is an optional endorsement, which provides limited pollution coverage for several operations including pesticide/ herbicide applications, pool or chemical applications and application or use of chemicals to maintain the surface of an ice rink.

The endorsement will be attached at the discretion of the insured and rated in accordance with ISO Rule 47, previously approved under State Tr Num: R2017000928, Company Tr Num: AIG-17-GL-01, SERFF Tracking Number: AGNY- 130935457.