

Insurance Coverage & Risk Management for Motor Carriers Outline

I. INTRO - CURRENT ISSUES

- a. Third-party litigation funding (TPLF)
- b. Runaway verdicts/nuclear verdicts
- c. Driver shortage
- d. New technologies to combat some of the trends

II. REGULATION

- a. Federal: authority, financial responsibility, safety, taxes, DOT
- b. FMCSA safety and fitness site (www.safer.sys.org)
- c. FMCSA Compliance Safety Accountability Act (CSA)
- d. Central Analysis Bureau (CAB Report) used by underwriters
- e. Motor Carrier Act of 1980
- f. MCS90 Endorsement - explanation
- g. MCS90 litigation
- h. Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)
- i. Transportation Equity Act for the 21st Century (TEA-21)
- j. Motor Carrier Safety Improvement Act of 1999
- k. Unified Carrier Registration Plan and Agreement (UCR)
- l. Fixing America's Surface Transportation Act (FAST Act)
- m. State government control regulations and compliance
- n. Motor carrier FR applicability and definitions

III. INSURANCE COVERAGES AVAILABLE

- a. How do we insure truckers?
 - i. Policy forms available through Insurance Services Office (ISO)
 - ii. Business Auto Coverage Form CA 00 01
 - iii. Motor Carrier Endorsement CA 23 30
 - iv. Motor Carrier Coverage Form CA 00 20
- b. Non-trucking auto liability underwriting, coverage and court cases
Concerns for driver
 - i. Explanation of owner operator permanently leased to a motor carrier
 - ii. Coverage forms used
 - iii. Review of the permanent lease agreement
 - iv. Federal and state cases reviewed
 - v. "Unladen" liability proprietary endorsements
 - vi. Litigation
- c. Primary auto liability underwriting, coverages, and court cases
 - i. Who is insured
 - ii. Who is excluded as an insured
 - iii. Additional insured endorsements
 - iv. Cancellation requirement for motor carriers due to financial responsibility filings
 - v. Litigation
 - vi. What is a covered auto

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- vii. Insurance coverage vs. blanket coverage provided by filings and MCS90
 - viii. Pollution financial responsibility under MCS90 – coverage gaps and solutions
 - ix. Liability exclusions
 - d. Primary auto liability contracts, insurance coverages and underwriting
 - i. Is a transportation pollution policy needed?
 - ii. Care, custody or control exclusion and endorsements available
 - iii. Trailer interchange coverage
 - iv. Matching additional insured insurance endorsements with contracts
 - v. Gray areas
 - vi. Holes in insurance coverage, is the client aware?
 - vii. Court cases and state statutes
 - e. Physical damage underwriting, insurance coverage and court cases
 - i. Limits
 - ii. Problem areas
 - iii. Stated amount coverage
 - iv. Other concerns
 - v. Electronic logging devices
 - vi. Litigation examples
 - f. Motor Truck Cargo underwriting, insurance coverages and court cases
 - i. Types of motor carriers
 - ii. Shipping documents
 - g. Motor Truck Cargo
 - i. The Carmack Amendment
 - ii. Responsibilities of carriers for goods “in transit”
 - iii. Cargo definitions and coverage available
 - iv. Exclusions
 - v. Underwriting
 - vi. Private carrier
 - h. Certificates of insurance (COI)
 - i. Review of ACORD certificate of insurance used for trucking accounts
 - ii. Review of statutes involving COIs
 - i. Non-standard insurance coverage underwriting
 - i. Examples and explanation of underwriting coverage broadened and/or restricted by company proprietary forms

IV. QUESTIONS AND ANSWERS WITH REVIEW OF CURRENT UNDERWRITING ISSUES