

**Special points of interest:**

- **Association of Wyoming Insurance Agents** Click here to see our Facebook page and convention photos

To add your support to InsurPac & PIAPAC go to our web site [www.awia.com](http://www.awia.com) and click on Advocacy for the contribution forms or go to pages 23 & 24 in this newsletter. Any amount is appreciated. Let's show them Wyoming Agents want to be heard

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**President's Report**

The convention has come and gone and we have changed guard. I am grateful to be sitting as your new AWIA President. I am thankful for the folks ahead of me who not only have paved a smooth path, but also had the faith in me to bring me onto the board, and providing this opportunity. I hope I continue to bring the enthusiasm and experience we have had over the years.

I am writing this piece while traveling from Evanston to Cheyenne, returning home from a family trip over the 4<sup>th</sup> of July. Rain is falling and the weather is similar to the week leading into the 2015 convention. One thing that comes to mind is the travel that all of our

convention participants had to make to be part of the wonderful event in Sheridan.



**Chad Craig, CIC, CLCS**

Great big thanks to all that made the trip, especially the ones that traveled 5-8 hours to be there. The 2015 con-

vention was a huge success and there are several parties I would like to single out. First and foremost, I would like to thank our vendor support. Without the participation and backing of our company sponsors, vendors and exhibitors, this convention would not happen. Second, special thanks goes out to Susan and Vic. The convention always runs like a well-oiled machine because of your thoughtful planning. Maybe it is the weeks and months of cruising in a motor home with nothing to do but plan conventions (just kidding) or maybe it is the years of experience behind planning such wonderful events. No matter, which, your ef-

*(Continued on page 3)*

**PIA National Director's Report**

It was wonderful to see so many of you at our annual conference in Sheridan. What a great mixture of old friends and new, agents and company people who support our organization. It's another reason I love living and doing business in this state. In addition, we have the most awesome Executive in the nation-Susan and her trusty sidekick Vic.

If you do not receive PIA's weekly email, please

let me know and I will make sure it is forwarded to you. The email has small snippets of information including how it affects agents and a link to the article if it is something you want to read. This week's hot buttons included the overtime issue: PIA National Counsel & Director of Regulatory Affairs Jennifer Webb. "We are concerned that the proposed regulation, while well intentioned, will

*(Continued on page 2)*



**Liz Luce, ARM, AAI**

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Tony Schebler, CIC

The April Legislative Conference and Directors meeting in Washington, DC was a success. I was able to meet in person with all three of our congressional members, Congressman Cynthia Lummis, Senator Mike Enzi and Senator John Barrasso. It is really nice to be from Wyoming when you call on your Congressional Representation in Washington. They really care about you and the organization that you represent and they make the time to meet with you. Looking back, 2014 and 2015 were successful years for the insurance industry in Washington. We had success with the Terrorism Bill Extension, NARAB

IIABA NATIONAL DIRECTOR

II for producer licensing and Flood Insurance rate plans. These successes do not come without a lot of work and a lot of dollars being spent, thus I encourage all members to help when the IIABA calls for assistance with our legislators and also be generous with support for InsurPac and PIAPAC.

Many other topics were discussed at the Board of Directors Meeting; Chairman Walker (who attended the AWIA Convention in Sheridan) discussed the importance of IIABA having a seat at the table with the World Federation of Insurance Intermediaries. He said more and more, international policies on insurance are having effect on U.S. Policies, and we need to have a voice in this arena. Chairman Walker cited as an example of an international regulator that was considering using as a trigger for investigation agen-

cies that showed high growth and a low loss ratio- both of which agents in the U.S. are incentivized to obtain.

Trusted Choice was discussed. It is thriving, but it is working on reaching the next level with respect to member engagement and adoption of the Trusted Choice co-brand. The state matching grant has had great participation and Trusted Choice expects to run out of grant money this year.

I am happy to report the IIABA is running like a well-oiled machine. There is a lot happening and our staff is keeping on top of things as they develop. They are looking out for the Independent Members.

On a personal note I would like to wish all of my fellow members a safe and fun summer, the good weather won't last for long so enjoy it, snow will be here before we know it.



PIA National Director's Report

(Continued from page 1)

be unnecessarily burdensome for PIA member agencies leading to decreased opportunity and flexibility for agency employees. We need to reduce the hardships that small businesses already face, not compound them."

In addition, Newline addressed the Financial Stability Oversight Council and NAIC's concern that FSOC is ignoring the state regulatory system. It is a disturbing trend and one we all need to watch or someday

soon, we could be answering to someone in DC rather than our own insurance commissioner.

There were several other issues but I will let you explore for yourself the areas of concern for you and your agency. Newline includes product information where you can receive discounted prices from Mines Press and other products available through PIA.

I would be remiss if I did not remind you that the "off" years of the election cycle are just as important or

more when it comes to giving to PIAPAC. Your personal funds will help staff attend functions where key legislators are present. Yes, giving to campaigns is important, but staying in touch after the fact is even more crucial. PIAPAC can also take company checks and use the money in other vital areas. Please consider giving. If every person in every office gave \$20, what a difference we could all make.



**President's Report**

*(Continued from page 1)*

forts are recognized and I thank you for your work.

This year we received feedback from vendors regarding the number of attendees at this year's convention. It is my understanding that over the years, the vendor attendance is usually equal to or slightly more than the attendance, we get from our member agents. Not this year; we were the majority and it was noticed. In addition to the great continuing education and quality entertainment, one of the contributing factors that helped us get there was the AWIA young agent scholarship program. AWIA offered free registrations to all young agents who have not attended a convention in the past. We

had 8 agents in attendance we may not have been able to reach because of this and I want to thank our agencies for participating. Remember folks, the young agents we work with today are the future of the industry. I hope that you see the benefits back in the office.

Over the next year, your AWIA board and officers hope to keep you abreast of all the important legislation that faces us here in Wyoming. We have been consulting with Mary Lynne Shickich for all of our legislative opportunities and threats we see within our great state. Tony Schebler and Liz Luce help keep us up to date on the national level with their involvement in IIABA and PIA respectively. We really do have a great amount of infor-

mation available to us, which allows us to make good things happen. I encourage you to communicate to the board if you have an issue or concern you would like to have discussed. The process is difficult but with the right approach, we can tackle any issue. Your membership dues and PAC support make it all possible, so please continue to support this cause now and in the future.

Summer is in full swing but here in Wyoming we all know that winter is just around the corner. That means that you should be thinking about the Shrimp Bash coming up in February. Watch for registration information in December for the details. Also, save the date for next year's convention schedule for June 14-16,

2016. Both events will be in Cheyenne.

In closing, please reach out to your AWIA board and thank them for their dedicated service. The board, along with Susan and Vic, do outstanding work we should all be proud of. I look forward to serving as the board president over the next year. Please feel free to send an email or give me a call with questions or comments. Have a great summer and keep moving forward!



**Executive Vice President's Report**

Many thanks to all of you who helped make our 2015 Annual Convention a success. The convention is a lot of fun to plan but it would not be a success without all of you. David Helms, CIC, CPCU, Senior Training Specialist from Safeco taught an ethics class on Tuesday and 2 other classes on Thursday. We had 19 exhibitors and "speed dating" on Thursday gave the agents and companies more time to interact. Exhibitors and Company participation helps make our conventions successful. Gordy Pratt provided entertainment on Thursday night. His high energy, funny and

sometimes poignant delivery was the best. Be sure to "save the date" for the 2016 event in Cheyenne-June 15 and 16. We hope to see you there.

We have several CISR classes coming up in August, September and October along with a few ethics classes. You can log on to [www.awia.com](http://www.awia.com) and click on education to register online or download the registration form. Please remember we need at least 5 students to hold a class. Be sure fax or e-mail your registrations. I will be traveling in July and August and may not get your "snail mail" as easily as your

fax or e-mail. AWIA's phone number is my cell phone, so feel free to call me anytime if you have any questions.

Our annual Shrimp Bash is scheduled for February 15, 2016. If you have legislation you are interested in, **now** is the time to let our lobbyist know.



Kathy Fraley, CIC, CPIW congratulates the new CISRs



Emily Nail, CISR



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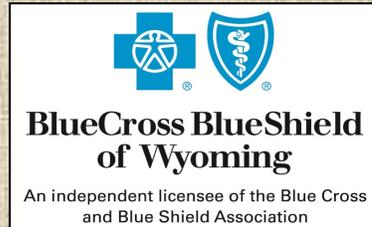
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**Local Agents.** That’s what PIA members are. Professional Insurance Agents who are members of their communities. But PIA members are more. PIA members are friends who help their neighbors protect what they value most: their homes, their automobiles, their businesses, their assets—their very way of life.

PIA members provide their neighbors with personal support and service, plus a choice of insurance products to meet their needs. Not from just one company, but from many quality insurance companies that support America’s independent agency distribution system.

**Serving Main Street America.** Main Street is more than a location. It’s an attitude. It’s where PIA members do business. Main Street is where our heart is, and it’s where our customers want to do business. Why?

Because people prefer to deal with someone they know and trust when it comes to protecting what they have worked so hard to achieve.

**The opportunity.** PIA is an association that’s dedicated to providing unlimited opportunities for its members. That’s the way it’s been since 1931.

PIA members are already well-known in their communities. After all, they are local agents. PIA members are sponsors of the local Little League team, volunteer fundraisers for a host of local charities and active members in many local civic organizations. When there’s a crisis, PIA members help their neighbors. When there’s a need, PIA members are there. And people know that when they need help to insure their home, their autos, their businesses — their way of life — it’s best to go to someone they already know and already trust: their neighborhood Professional Insurance Agent.

**A new brand, not a new identity.** The PIA Branding Program does not attempt to create a new identity for PIA members. PIA agents don’t need a new identity. They already have one. Their customers know who they are. They are Professional Insurance Agents. They’re local and they care.

The PIA Branding Program, *Local Agents Serving Main Street America<sup>SM</sup>*, simply extends the reach of that already-established identity with marketing materials that highlight what Professional Insurance Agents bring to the table. The goal? To attract new customers. To write more business. To make more money and increase market share for PIA agencies and their carrier partners. To ensure that the independent agency distribution system continues to prosper, now and in the future.

*"Local Agents Serving Main Street America"<sup>SM</sup> collectively describes the membership of the National Association of Professional Insurance Agents and its affiliate associations. It is not part of the brand or trademark, is not intended to speak for, and should not be confused with The Main Street America Group, also known as MSA Group, or its subsidiary companies. The MSA Group and its subsidiaries have offered insurance exclusively through independent insurance agents since 1923.*

### CIC and CISR in Wyoming



Kathy Fraley, CIC, CPIW

Each year during our annual convention, we are pleased to recognize new recipients of CIC, CISR, CRM and CSR designations. This year we were joined by Kathy Fraley, CIC, CPIW A National Faculty member for the Society of CIC.

This year we recognized:

- Brandon Austin, CISR-BW Insurance Agency-Gillette
- Jennifer Fisher, CISR-Tegeler & Associates-Evanston
- Teresa M. Gilbert,

- CISR-Tegeler & Associates-Thermopolis
- Emily Nail, CISR Wyoming Financial Insurance-Gillette
- Annette Roberts, CISR -Tegeler & Associates-Pinedale
- Holly Walker, CISR-Wyoming Financial Insurance-Sheridan
- Amanda Sue Wymore, CISR-USI Insurance-Mills

Each of these designees is congratulated on their commitment to insurance education.



Kathy Fraley, CIC, CPIW  
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For more convention photos visit our Facebook page [Association of Wyoming Insurance Agents](#)





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For more information, please contact Kerri Emmons at (406) 442-9555 ext. 105 or [kemmons@iamt.org](mailto:kemmons@iamt.org)

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The Fireman's Fund policy offers broad coverage tailored to insurance agencies. Fireman's Fund is currently rated A XV by AM Best and is the second largest provider of Agency E&O in the country.

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The target market for this program are agencies and/or brokers with gross revenues of \$3,000,000 or less, a staff size of less than 30 employees, and that have been in business for at least three years. The primary revenue source for these agencies will include traditional property and casualty sales, but may include ancillary income from Accident & Health, Life, Annuity and other financial products including securities. Coverage will not be provided for real estate activities associated with these P&C agencies.

**Eligible Risks**

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- Majority of business placed in standard markets
- Minimum of 3 years in business under the current ownership or evidence of adequate licensed experience for the principal of the firm.

Favorable claims experience

**Ineligible Risks**

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- Any Agency acting as a real estate agent or broker, property manager or mortgage broker and does NOT carry separate E&O coverage for these activities.
- Any Agency with revenue generated from the sales or administration of structured settlement annuities.
- Any Agency that operates as a Third Party Claims Administrator (Claims TPA) for other than workers compensation plan.

Any Agency involved in the marketing, sales or servicing of Alternative Risk Transfer Arrangements, Captive Plans or Arrangements, Risk Retention Groups, or Risk Purchasing Groups

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## **“Top 10 Reasons to Purchase the Rental Car Damage Waiver”**

by Bill Wilson, CPCU, ARM, AIM, AAM

Director, Big “I” Virtual University

**Abstract:** Although damage waiver fees are generally considered outrageous, most consumers should consider purchasing the waiver for short-term rentals. This article addresses the types of losses and expenses that a consumer can incur that may not be covered by their auto insurance or credit card coverage.

**Although most collision damage waiver (CDW) or loss damage waiver (LDW) fees are considered outrageous, most consumers should consider purchasing the CDW/LDW for short-term rentals. This is becoming increasingly the case as rental car companies charge ever-higher fees and penalties for losses and expenses not covered by most auto policies or credit cards. The following are ten reasons to purchase the rental car damage waiver:**

### **1. Loss Valuation**

**The value of a rental car, according to virtually all rental agreements, is determined solely at the discretion of the rental company and may be significantly different from the market value "ACV" basis used by most auto policies. The “industry standard” (ISO) personal auto insurance policy covers the lesser of the "actual cash value" (market value) of the vehicle or the amount "necessary" to repair or replace the damaged property.**

**The rental agreement may very well contractually obligate the consumer to reimburse the rental agency for the "full value" (whatever that is) of the vehicle. If the renter’s insurance policy has a "betterment" clause, the insurer might not pay the “full value” and the renter could be responsible for the difference.**

### **2. Loss Settlement**

**As implied above, there may very well be disagreement over the value of the vehicle or the amount charged for labor and materials to repair the property—an Appraisal clause may be invoked by the insurer with its accompanying costs covered partially by the in-**

sured/renter.

More importantly, the auto insurer has the right to *"...inspect and appraise the damaged property before its repair or disposal"*—the rental company may choose to make the repairs immediately, potentially resulting in a lack of auto insurance coverage because of failure to comply with the condition cited above.

In a recent claim involving farm equipment under a similar policy provision, the insurer denied coverage when the farmer had the property repaired immediately in order to minimize lost production and the insurer never had the opportunity to appraise the damage.

### **3. Loss Payment**

The rental agreement may require immediate reimbursement for damages and it is not uncommon for the rental company to charge the consumer's credit card for the full value of the vehicle and other expenses. This can create a significant debt, "max" out the card's credit limit (perhaps shortening a vacation or business trip), result in litigation, etc.

### **4. Loss Damage Waivers (LDW)**

The rental agreement usually requires reimbursement for more than collision, making the consumer responsible for ANY "loss" in value beyond normal wear and tear regardless of fault. Most auto policies must include collision coverage on at least one insured owned vehicle for collision coverage to transfer to the rental car. Since many consumers buy only state-mandated liability insurance, they may have no physical damage coverage to transfer to the rental car.

If the rental agreement includes a Loss (not just Collision) Damage Waiver (LDW), the policy must also include comprehensive coverage to protect the consumer for non-collision damage such as theft or vandalism. Even so, keep in mind that the renter's contractual liability under the rental agreement may be almost absolute, so it's possible the auto policy may not respond to all losses.

*(Note: Likewise, the auto policy might respond to losses not covered by the LDW such as use off paved roads, use while intoxicated, use by unlisted drivers such as valet parking (see below), etc. Therefore it is important to have BOTH auto insurance and LDW coverage.)*

### **5. Indirect Losses**

The consumer most likely will be responsible for the rental company's loss of rental income on the damaged unit. Most auto policies have, at best, daily and maximum caps for this indirect loss and some may pay only for loss of income resulting from theft, not collision or other causes of loss.

In addition, many rental companies will not divulge their fleet utilization logs for competitive reasons or their rental agreements may make the renter responsible for loss of use without regard to fleet utilization rates. If so, the renter may be charged even though unused rental vehicles are sitting on the lot. In one case, a renter was hit with a \$2,000 loss

of use charge. Insurers may not be willing to pay for charges they don't feel represent a true loss of income by the rental company.

Most alarmingly, rental car companies are increasingly inclined to charge for "diminution of value," an indirect loss that is not covered by most auto policies' physical damage section (nor most credit card coverages). We have seen documented examples of these charges for amounts in excess of \$5,000 - \$7,000 and heard of one that was allegedly \$15,000 on an upscale SUV rental.

## **6. Administrative Expenses**

The rental contract may make the consumer liable for various "administrative" or loss-related expenses such as towing (e.g., one renter was charged for a 230-mile tow), storage, appraisal, claims adjustment, etc. None of these expenses are typically covered by auto policies.

## **7. Other Insurance**

Coverage under an auto policy is typically excess over: (1) any coverage provided by the owner of the auto, perhaps including self-insured plans, (2) any other applicable physical damage insurance, and (3) any other source of recovery applicable to the loss—CDW/LDW, travel policies, credit card coverages, etc. (what if the credit card coverage says it's excess over the auto policy?). The potential controversy over who pays what is obvious and can result in litigation.

In addition, keep in mind that many states have statutes, proprietary policy forms, and/or case law precedents that may govern this and other rental car exposures. For example, in determining which insurance is primary (pays first) and which is excess, states vary significantly. By purchasing the damage waiver, this distinction become unimportant to the renter.

In one final example, a consumer was given a loaner vehicle from a Cadillac dealer while his car was being serviced. He proceeded to total the vehicle in an accident to the tune of \$37,000. His personal auto insurer refused to pay on the basis that their auto policy provided excess coverage over the dealer's garage insurance policy, offering only to pay a portion of the dealer's deductible. The garage insurer paid the entire claim, then sued the customer for \$37,000.

When the consumer turned the suit in to his auto insurer, the claim was denied under the liability section of his policy, citing a "care, custody or control" exclusion. While this involved a dealer loaner auto, the same result could have been reached in this state if the auto was a rental.

## **8. Excluded Vehicles & Territories**

Personal auto policies typically do not provide physical damage coverage for motorcycles, motorhomes, and other motor vehicles that are not private passenger cars, pickup trucks, or vans, and use of covered vehicles is limited to the U.S., its territories and possessions, Puerto Rico, and Canada (the rental agreement may also exclude operation out-

side a specific geographical area, in which case the auto policy could provide coverage not provided for under an LDW).

In addition, if a consumer is renting a trailer (U-Haul, camper trailer, etc.), auto coverage is typically limited to only \$500 - \$1,500. The consumer usually has no choice but to rely on the rental company's damage waiver for coverage under these circumstances.

### **9. Excluded Uses & Drivers**

The personal auto policy may have limitations on the use of vehicles that are not otherwise excluded by the rental agreement damage waiver—for example, some auto policies provide no physical damage coverage for the business use of nonowned pickup trucks or vans.

Also, some auto policies may include an exclusionary endorsement for certain individuals or may apply only to designated individuals that can be covered by listing them on the rental agreement. In contrast, the damage waiver usually only applies to designated individuals (with certain omnibus "insureds" such as spouses), so having both an auto policy and the damage waiver can again be advantageous.

One often overlooked issue where a large coverage gap might exist is using valet parking at a hotel or restaurant during a personal or business trip. Most auto policies cover damage to nonowned autos if you have physical damage coverage on at least one declared auto. However, this coverage may extend only to a nonowned auto "while in the custody of or being operated by you or any 'family member'...."

If the rental car is being valet parked, it's certainly not being operated by you. The question is whether it is still technically in your custody. Does custody mean possession or entrustment? Is the rental car in your custody from the moment you rent it or only when you have physical control? It's a matter of law and contract interpretation. That's why it is probably not a good idea to valet park a rental car.

The Catch-22 is that, even if you purchase the rental car damage waiver, most rental agreements void the coverage if the vehicle is being driven by an unauthorized driver. As discussed above, the only authorized drivers are those identified by name on the rental agreement and perhaps a spouse or co-worker. Hotel or restaurant valets? Highly unlikely.

### **10. Additional and/or Future Costs**

The personal auto policy will most certainly include a physical damage deductible in the range of \$100-\$500 or more, while the rental agency's LDW may not. In addition, payment for damage to a rental car may result in a significant premium increase on the renter's auto policy via surcharges or loss of credits.

### **Conclusion**

All auto insurance policies are not created equal, despite what you might be led to believe by some "low-cost" auto insurance advertising. In particular, coverage and claims practices for the use of nonowned auto like rental cars can vary dramatically from one insurer to another.

**Equally important, virtually all rental car companies draft their own rental agreements and can make charges and assessments that are not covered by any auto policy. Although damage waiver fees are generally considered outrageous, most consumers should consider purchasing the waiver for short-term rentals.**

#### **Disclaimer**

**The above information is based on the “ISO standard” Personal Auto Policy in force in most states at the time of publication and typical rental car agreements. Be aware that these contracts may vary from state to state and there may be statutory exceptions (e.g., the State of NY) that may govern. In addition, these provisions can change at any time, so it is important to review the laws and contracts in effect in your jurisdiction at any point in time. Due to the brevity of this article, we cannot analyze every possible loss exposure and exception to the general guidelines above.**

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