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AXIS PRO® MULTIMEDIA LIABILITY COVERAGE APPLICATION FOR INSURANCE

CHECK ALL MEDIA ACTIVITIES FOR WHICH YOU ARE APPLYING FOR INSURANCE:

- ☐ Advertising Agency or Public Relations Firm
- ☐ Advertiser (advertising performed by you or on your behalf)
- ☐ Author
- ☐ Book Publisher
- ☐ Broadcaster – Radio, Television or Cable TV stations
- ☐ Cable TV System Operator
- ☐ Magazine/Newsletter/Periodical Publisher
- ☐ Newspaper Publisher
- ☐ Public Appearances (including speaking engagements and freelance writing)
- ☐ Website Publisher
- ☐ Multimedia (describe): _____
- ☐ Other (describe): _____

COMPLETE ONLY THE APPLICABLE PARTS IN SECTION III. MEDIA ACTIVITIES THAT ARE RELATED TO THE INSURANCE FOR WHICH YOU ARE APPLYING AS SELECTED ABOVE.

IF COVERAGE IS ALSO DESIRED FOR:

1. Cyber/Technology Services Errors & Omissions, please complete the Media/Cyber Liability Supplement available on our website, www.axisproinsurance.com, in conjunction with this application.
2. Film & Entertainment Production, Distribution, or Acquisition & Development activities, please complete one or more of the following applications available on our website, www.axisproinsurance.com, in conjunction with this application.
 - Film & Entertainment Producer Liability Application
 - Film & Entertainment Acquisition & Development, Distributor and Film Library Application

TO COMPLETE THIS APPLICATION, PLEASE SUBMIT:

- Company brochures or advertising materials, etc.
- Brochure or list of current book titles, program schedule, etc.
- Current audited financial statement, annual report and/or 10K, or operating budget if applicant is a non-profit organization
- Copies of standard contracts with authors, freelance writers, distributors, advertisers, actors, employees, etc.
- Copies of current newspapers, magazines, newsletters or other periodical publications
- Experience résumés if in business less than three years
- Standard client contract

Submission of a completed application incurs no obligation to purchase or bind insurance.

NOTE: All applicable questions must be answered. All requested attachments must accompany application.

I. GENERAL INFORMATION

1. First Named Insured (including DBAs): _____

NOTE: First Named Insured is responsible for premium payment, cancellation and changes – refer to specimen policy.

Street Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Website Address(es): _____

2. Applicant is: ☐ Individual ☐ Partnership ☐ Corporation ☐ LLC ☐ Non-profit ☐ Other (describe): _____

3. Are there other Named Insureds and/or subsidiaries, affiliates, branch offices or other related entity(ies) (including DBAs) for which coverage is desired? ☐ Yes ☐ No If yes, please provide a list of entities for which coverage is desired: _____

4. Do you desire coverage for joint ventures in which you participate? ☐ Yes ☐ No

If yes, list the name of each joint venture, describe your role and percentage (%) interest: _____

With respect to the joint venture(s) described above:

- A. Do you require coverage for your participating interest only? ☐ Yes ☐ No

OR

- B. Are you contractually required to provide coverage for the entire joint venture including all joint venturers? ☐ Yes ☐ No

All remaining questions on this application apply to all of the persons and entities described in Questions 1., 3 and 4. above, collectively referred to as "Applicant".

5. A. Date applicant was established: _____

- B. Geographic area in which applicant operates: ☐ Local ☐ State ☐ Regional (multi-state) ☐ National ☐ International

6. A. Is applicant wholly or partially owned by, affiliated with or controlled by any other entity(ies) not previously listed in Question 1. or 3.? ☐ Yes ☐ No

- B. Does applicant wholly or partially own, operate, manage or control any other businesses or entity(ies) not previously listed in Question 1. or 3.? ☐ Yes ☐ No

If 6.A. or 6.B. are answered yes, provide complete details: _____

7. Within the past five years has applicant:

- A. Changed name? ☐ Yes ☐ No

- B. Changed ownership structure? ☐ Yes ☐ No

- C. Purchased or acquired another entity? ☐ Yes ☐ No

- D. Merged or consolidated with another entity? ☐ Yes ☐ No

8. Does applicant belong to any professional associations or trade groups? ☐ Yes ☐ No

If yes, please advise to which professional associations or trade groups the applicant belongs: _____

II. PROPOSAL REQUIREMENTS

9. Policy limit required: \$_____

Self-Insured Retention: \$_____

10. Do you desire coverage for Business Operations and Personal Injury Liability Coverage? ☐ Yes ☐ No

(This optional coverage is in addition to the Personal Injury coverage provided by the policy for your Media activities. This coverage fills a potential gap in coverage left by your General Liability policy by providing Personal Injury coverage for claims arising from your usual and ordinary business operations.)

III. MEDIA ACTIVITIES

COMPLETE ONLY THE FOLLOWING PARTS APPLICABLE TO THE INSURANCE FOR WHICH YOU ARE APPLYING.

11. Describe your media organization and your media activities: _____

ADVERTISING

Coverage for advertising performed by you on your behalf.

12. A. List advertising agencies used: _____

B. Please check the appropriate box for each of the following:

- | | |
|---|--|
| 1) Does applicant operate an in-house advertising agency? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2) Does applicant engage in comparative advertising? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, describe: _____ | |
| 3) Are written hold harmless or indemnity agreements in your favor required from advertising agencies? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4) Are advertising agencies required to provide evidence of insurance to support the hold harmless or indemnity agreements? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 5) If employees make creative contributions to advertising, are written releases obtained from them? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 6) Has applicant been cited by any regulatory agency for violations arising out of its advertising activities? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, please explain: _____ | |

C. Provide the approximate percentage of advertising expenditures in the following media:

Radio	_____%	Magazines	_____%
Television	_____%	Catalog/mail order	_____%
Newspapers	_____%	Internet	_____%
Other	_____%		
(specify): _____			

D. Annual revenue from all business activities: \$ _____

E. Annual advertising expenditures: \$ _____

ADVERTISING AGENCY

13. A. List major clients and description of their business: _____

B. Do any of applicant's clients produce or manufacture: ☐ Tobacco ☐ Firearms ☐ Alcoholic beverages ☐ Pharmaceuticals

C. Has applicant been cited by any regulatory agency for violations arising out of advertising activities? ☐ Yes ☐ No

If yes, please explain: _____

D. Is applicant a "full service" advertising agency? ☐ Yes ☐ No

If no, state area of specialization: _____

E. Does applicant's contract with clients always provide for client sign-off and approval? ☐ Yes ☐ No

Attach a specimen copy of client contract.

F. Does applicant obtain written releases with respect to creative material or talent from the following:

Employees? ☐ Yes ☐ No

Models? ☐ Yes ☐ No

Free-lance photographers, writers, composers, artists, musicians? ☐ Yes ☐ No

Non-professional persons appearing in commercials or advertisements? ☐ Yes ☐ No

G. Does applicant develop trademarks? ☐ Yes ☐ No

If yes, describe trademark search and clearance procedures: _____

Number of trademarks developed per year: _____

H. Provide the approximate percentage of work performed in the following activities:

_____%	Billboards
_____%	Crisis Management
_____%	Direct Mail
_____%	Events
_____%	Internet Advertising
_____%	Lobbying
Please describe: _____	
_____%	Mail Order/Production of Catalogs
_____%	Market Research
_____%	Media Buying/Media Placement
_____%	Medical/Pharmaceutical Advertising
_____%	Mobile/Wireless Advertising
_____%	Package Design/Display Design/Product Design
_____%	Political Advertising
_____%	Printing (or assumption of liability for printing by others on your behalf)
_____%	Promotions, contests, games, sweepstakes
Please describe: _____	
_____%	Public Relations
_____%	Print Material
_____%	Radio or Television Commercial Production
_____%	Search Engine Marketing/Optimization
_____%	Web Hosting
_____%	Website design/development (content only; "look and feel")

_____% Website design/development (infrastructure, including programming)
 Please describe: _____
 _____% Other Advertising Activities
 Please describe: _____
 _____% Other Consulting Activities related to Advertising, Marketing and Communications
 Please describe: _____

I. <u>DOMESTIC AND FOREIGN REVENUE</u>	<u>BILLINGS*</u>	<u>BILLINGS*</u>
	<u>CURRENT FISCAL YEAR</u>	<u>ESTIMATED NEXT FISCAL YEAR</u>
United States:	\$ _____	\$ _____
Canada:	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
TOTAL:	\$ _____	\$ _____
GROSS INCOME:**	Current Fiscal Year: \$ _____	Estimated Next Fiscal Year: \$ _____

* **BILLINGS:** Billings includes amounts invoiced to clients and includes the total of amounts paid to outside vendors, or pass through costs. (Billings = Gross Income + Pass Through Costs)

** **GROSS INCOME** (i.e. - revenue): Gross income includes the portion of client billings related to media commissions, production markups, fees, and hourly staff and incentive/performance compensation billings, and excludes pass through costs. (Gross Income = Billings - Pass Through Costs)

AUTHOR – BOOK, PLAY, JOURNAL OR ARTICLE

14. A. Title of work to be insured: _____
 B. Synopsis of publication: _____
 C. Scheduled or original date of publication: _____
 D. Type of work: (check appropriate box)
- | | |
|---|--|
| <input type="checkbox"/> Fiction/Drama | <input type="checkbox"/> Poetry |
| <input type="checkbox"/> Current Autobiography | <input type="checkbox"/> Historical/Biographical |
| <input type="checkbox"/> Technical | <input type="checkbox"/> Religious |
| <input type="checkbox"/> Investigative Reporting/Exposé | <input type="checkbox"/> Social/Political Commentary |
| <input type="checkbox"/> How-to-do-it | <input type="checkbox"/> Other (specify) - _____ |
- E. Number of copies (including reprints) to be printed/distributed during the proposed policy term:
 Hardback: _____ Paperback: _____
 F. Advance paid by publisher: \$ _____
 G. If work is non-fiction or fiction incorporating living persons or events, have sources of information and material facts been documented? ☐ Yes ☐ No If no, please explain in detail: _____
 H. Have written releases been obtained from persons or organizations:
 1) Appearing in photographs or artistic representations? ☐ Yes ☐ No
 2) Contributing material to the work? ☐ Yes ☐ No
 3) Quoted or paraphrased? ☐ Yes ☐ No
 If no, explain in detail: _____
 I. Name and address of publisher: _____
 J. Will "work" be self-published? ☐ Yes ☐ No
 If yes, how will work be distributed? _____
 K. 1) Will the work be serialized or published in a condensed version during the proposed policy term? ☐ Yes ☐ No
 If yes, specify publication(s) and attach a copy of contract(s) with the publisher(s): _____
 2) Estimated revenues: \$ _____
 3) Will a revised edition of the work be published or distributed during the proposed policy term? ☐ Yes ☐ No
 If yes, complete Question L. Attach copy of the revised work and a brief outline of revisions from the original work.
 4) Describe any related materials or activities contemplated in conjunction with the work (i.e., tapes, cassettes, audio-visual aids, movie rights, advertising/promotional activities, etc.): _____
 L. Number of copies to be printed/distributed in: Hardback: _____ Paperback: _____

BOOK PUBLISHING

15. A. Types of books published: (please provide approximate percentage for each of the following categories)
- | | | |
|---------------------------------|--|-------------------------------------|
| _____% Biography, autobiography | _____% History | _____% Social, political commentary |
| _____% Celebrity | _____% "How-to-do-it" | _____% Technical |
| _____% Children's | _____% Investigative reporting, exposé | _____% Textbooks |
| _____% Classics | _____% Poetry | _____% Other |
| _____% Fiction | _____% Religious | (specify): _____ |
| | | 100% TOTAL |

B. For current fiscal year, specify number of: _____ Original titles _____ Reprints

BROADCASTING

16. A. **Radio Stations**

Call Letters (AM or FM): _____
Location (City & State): _____
First Air Date: _____
Percentage Simulcast: _____
Highest 60-Second Advertising Spot Rate: _____
Programming Format: _____

B. **Television Stations**

Call Letters: _____
Location (City & State): _____
First Air Date: _____
Percentage Simulcast: _____
Highest Hourly Advertising Program Rate: _____
Network Affiliation: _____

CABLE TV SYSTEM OPERATORS

17. A. Name of Cable System(s): _____

Location (City & State): _____

Number of Subscribers: _____

B. Does cable system broadcast any original programming produced by the Cable TV System Operator? ☐ Yes ☐ No

If yes, please provide the following information:

Description of programming: _____

Number of hours per week: _____

C. Does any cable television system lease channels, in whole or in part, to others? ☐ Yes ☐ No

If yes, does the cable television system require a hold harmless and indemnity agreement from the lessee with respect to claims arising from lessee's programming? ☐ Yes ☐ No

D. Does any cable television system operate an Access Channel(s)? ☐ Yes ☐ No

If yes:

How many Access Channels are available to the community? _____

Describe the programming available on each Access Channel: _____

Does the cable television system furnish Access Channel program providers with written guidelines regarding programming standards and requirements? ☐ Yes ☐ No

Does the cable television system require Access Channel program providers to secure and maintain Producers Errors & Omissions insurance for such programming and include the cable television system as an Additional Insured on the policy? ☐ Yes ☐ No

MAGAZINE PUBLISHING

18. A. **Schedule of Publications:**

Name: _____
Location (City & State): _____
Date First Published: _____
Average Circulation: _____
Frequency of Circulation: _____
If 2 or more publications, % of duplication: _____

B. Check primary circulation area:

☐ International ☐ National ☐ Regional ☐ Metro ☐ Suburban ☐ Rural ☐ Campus ☐ Controlled Circulation
☐ Other – specify: _____

NEWSPAPER PUBLISHING

19. A. **Schedule of Publications:**

Name: _____
Location (City & State): _____
Date First Published: _____
Average Circulation: _____
Frequency of Circulation: _____
If 2 or more publications, % of duplication: _____

B. Check primary circulation area:

- ☐ International ☐ National ☐ Regional ☐ Metro ☐ Suburban ☐ Rural ☐ Campus ☐ Controlled Circulation
☐ Other – specify: _____

PUBLIC APPEARANCE

Complete applicable sections only:

20. A. **Public Speaking, Speeches, Press Conferences, Media Interviews, Panel Discussions, Seminars**

- 1) Number of appearances per year: _____
2) Type of content: _____
3) Format or description of participation: _____

B. **Personal Appearances on Radio, Television, Cable Television or the Internet**

- 1) Number of appearances per year: _____
2) Type of content: _____
3) Format or description of participation: _____

C. **Contributing to Articles, Books or Other Publications as a Guest or Free-Lance Writer, Subject or Named Source**

- 1) Number of articles published per year as:
Editor: _____ Contributing editor/author: _____ Freelance writer: _____
2) What is applicant's general subject matter? _____

D. **Advertisements in Any Medium in Which Applicant Appears as an Actor, Announcer, Spokesperson or Endorser of any Product or Service**

- 1) Number of appearances per year: _____
2) List clients: _____

E. **Other**

Describe: _____

	Revenue – Current Fiscal Year	Revenue – Next Fiscal Year
F. 1) Public speaking, speeches, press conferences, media interviews, panel discussions, seminars	\$_____	\$_____
2) Appearances on radio, television, cable television or the Internet	\$_____	\$_____
3) Contributing to articles, books or other publications as a guest or free-lance writer, subject or named source	\$_____	\$_____
4) Appearances in advertisements through any medium as actor, announcer, spokesperson or endorser	\$_____	\$_____
5) Other (specify): _____	\$_____	\$_____

MISCELLANEOUS

21. A. Describe all other media and/or services for which coverage is sought: _____

B. Are commercial printing services performed for others? ☐ Yes ☐ No

If yes, describe types of material printed: _____

IV. RISK MANAGEMENT, EDITORIAL AND LEGAL PROCEDURES

Answer the following questions with consideration of media liability related issues, including but not limited to, defamation, invasion of privacy, infringement of copyright or trademark, and errors & omissions.

22. Describe your procedures to ensure the accuracy and originality of matter/content created by you in-house: _____

23. Describe your procedures to check the accuracy and originality of matter/content created for you by independent contractors (such as freelance writers, photographers, artists): _____

24. Do you enter into contracts with independent contractors that provide matter/content to you? ☐ Yes ☐ No

If yes:

- A. Does your contract contain an assignment of rights in the matter/content provided to you in any medium including digital and electronic format? ☐ Yes ☐ No

- B. Do you require an indemnity in your favor with respect to claims arising from the matter/content provided to you by independent contractors? ☐ Yes ☐ No
25. Approximately what percentage of matter/content is:
- A. Created by you in-house: _____%
 - B. Provided by independent contractors: _____%
 - C. Obtained from newswires, syndicates, stock photo houses, other (describe: _____): _____%
26. Do you accept unsolicited matter/content? ☐ Yes ☐ No
If yes, describe your procedure for processing and documenting the receipt of unsolicited matter/content: _____
27. Do you publish, broadcast or disseminate matter/content in a language other than English? ☐ Yes ☐ No
If yes, describe: _____
28. Do you pay licensing fees to ASCAP, SESAC, BMI or other music licensing society? ☐ Yes ☐ No
29. Do you stream any content over your website(s)? ☐ Yes ☐ No
If yes, do you pay licensing fees to ASCAP, SESAC and BMI for the content that is streamed over your website(s)? ☐ Yes ☐ No
If no, give details. _____
30. Do you engage in investigative reporting or exposés? ☐ Yes ☐ No
If yes, describe: _____
- A. Do you rely on confidential sources? ☐ Yes ☐ No
If yes, describe your editorial process: _____
 - B. Describe your practices for documenting sources of information: _____
 - C. Do you use hidden cameras or microphones, go undercover or use other methods of surreptitious information gathering? ☐ Yes ☐ No
 - D. Do you participate in “ride-alongs” with law enforcement, medical emergency services or private investigators? ☐ Yes ☐ No
31. Is a disclaimer used with respect to technical information or advice? ☐ Yes ☐ No
32. Describe your procedure for handling requests for retractions or corrections: _____
33. Do you have formalized, written guidelines for handling requests for retractions or corrections? ☐ Yes ☐ No
34. Do you allow users to upload video, audio or any other third-party content to any website(s) you own or operate? ☐ Yes ☐ No
If yes, please respond to the following questions:
- A. Do you screen such uploaded content before it is posted on website(s)? ☐ Yes ☐ No
 - B. Do you have actual knowledge of content on your site that might infringe on any intellectual property or other rights of third parties? ☐ Yes ☐ No
 - C. Do you receive a financial benefit directly attributable to that user-uploaded video or audio content? ☐ Yes ☐ No
 - D. Do you have take down procedures in the event you are notified that user-uploaded video, audio or other third party content may infringe another’s intellectual property rights? ☐ Yes ☐ No
If yes, please attach the take down procedures your company has adopted for such notifications.
 - E. Have you implemented a termination policy for users of your website(s) who are repeat infringers? ☐ Yes ☐ No
 - F. Do you use filters or other software to screen your site for copyrighted user-uploaded video or audio content? ☐ Yes ☐ No
If yes, please explain: _____
35. Do you have a Risk Manager? ☐ Yes ☐ No
If yes, name of Risk Manager: _____
36. Do you have an in-house legal department? ☐ Yes ☐ No
If yes:
- A. Name of General Counsel: _____
 - B. How many attorneys specialize in media liability related issues? _____
 - C. Describe your procedures for engaging in-house counsel with respect to media liability related issues including pre-publication/pre-broadcast review and post-publication/post-broadcast issues: _____

37. Do you utilize outside law firms with respect to media liability issues? ☐ Yes ☐ No

If yes, list name of law firms used: _____

38. Describe your procedures for utilizing outside law firms with respect to media liability related issues including pre-publication/pre-broadcast review and post-publication/post-broadcast issues or claims: _____

V. CLAIM EXPERIENCE

39. A. Have any claims, suits or proceedings been made during the past five years against the applicant or any of the applicant's predecessors in business, subsidiaries or affiliates or against any of their past or present partners, owners, officers or employees? ☐ Yes ☐ No

If yes, provide complete details. Include type of claims, gist of offending matter, name of claimant, amount of defense costs, judgment or settlement, status or final disposition of the claim. _____

B. Is the applicant aware of any actual or alleged fact, circumstance, situation or error or omission arising out of the activities described in this application that may reasonably be expected to result in a claim being made against the applicant or any of the person or entities described in 39.A. above? ☐ Yes ☐ No

If yes, please explain and provide details: _____

40. In the past five years, has the applicant been served with any subpoenas seeking documents or information related to the applicant's newsgathering activities? ☐ Yes ☐ No

If yes, please describe circumstances including costs associated with responding to the subpoena(s). _____

41. In the past five years, has the applicant been the subject to an investigation or proceeding instituted by the FCC, FTC or similar governmental body related to the coverage being applied for? ☐ Yes ☐ No

If yes, please describe circumstances including costs associated with responding to the investigation or proceeding. _____

VI. FINANCIAL INFORMATION

42.

Advertising Agency or Public Relations Firm
Author
Book Publisher
Broadcaster – Radio, Television or Cable TV
Cable TV System Operator
Commercial Printing for Others
Magazine/Newsletter/Periodical Publisher
Multimedia
Newspaper Publisher
Public Appearance
Website Publisher
Other - describe: _____

TOTAL MEDIA REVENUE (BUDGET):

REVENUE (and/or Budget for non-profits) Current Fiscal Year	REVENUE (and/or Budget for non-profits) Estimated Next Fiscal Year
\$	\$
\$	\$
\$	\$
\$	\$
\$	\$
\$	\$
\$	\$
\$	\$
\$	\$
\$	\$
\$	\$
\$	\$
\$	\$

43. **Domestic and Foreign Revenue**
(and/or budget for non-profits)

United States:
Canada:
Other - specify: _____

\$
\$
\$
TOTAL: \$

VII. OTHER INSURANCE

44. A. During the past three years, has any similar insurance been issued to applicant? ☐ Yes ☐ No

If yes, complete the following:

Company: _____
Policy Number: _____
Limits: _____
Deductible: _____
Coverage Dates: _____
Premium: _____

- B. Has any insurer declined, canceled or refused to renew any similar insurance issued to applicant? (Not applicable in Missouri.)
☐ Yes ☐ No If yes, give details: _____
- C. Does applicant's comprehensive general liability policy provide coverage for personal injury (libel, invasion of privacy) arising out of business operations? ☐ Yes ☐ No

VIII. REPRESENTATIONS

By signing this application, the applicant agrees to the best of their knowledge that:

1. The statements and answers furnished to the Company in this application and any attachments to it are accurate and complete;
2. The statements and answers the applicant furnishes to the Company are representations the applicant makes to the Company on behalf of all persons and entities proposed for coverage;
3. Those representations are a material inducement to the Company to provide a proposal for insurance;
4. Any policy the Company issues will be issued in reliance upon those representations;
5. The applicant will report to the Company immediately, in writing, any material change to the Applicant's operations, conditions or answers provided in this application that occur or are discovered between the date of this application and the effective date of any policy, if issued; and
6. The Company reserves the right, upon receipt of any such notice, to modify or withdraw any proposal for insurance the Company has offered.

WARNING

ANY PERSON WHO, WITH INTENT TO DEFRAUD OR KNOWING THAT S(HE) IS FACILITATING A FRAUD AGAINST THE INSURER, SUBMITS AN APPLICATION OR FILES A CLAIM CONTAINING A FALSE OR DECEPTIVE STATEMENT MAY BE GUILTY OF INSURANCE FRAUD.

NAME (PLEASE TYPE OR PRINT)

NAME (SIGNATURE OF AUTHORIZED REPRESENTATIVE)

TITLE

DATE

TO BE COMPLETED BY PRODUCER(S) ONLY:

RETAIL PRODUCER: Producer Name: City, State: Telephone No.:		WHOLESALE PRODUCER: Producer Name: City, State: Telephone No.:	
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BROKER/AGENT SIGNATURE (NEW HAMPSHIRE): _____

NOTICE TO ALABAMA APPLICANTS:

ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR WHO KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO RESTITUTION FINES OR CONFINEMENT IN PRISON OR ANY COMBINATION THEREOF.

NOTICE TO ARKANSAS, LOUISIANA, RHODE ISLAND AND WEST VIRGINIA APPLICANTS:

ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENT FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON.

NOTICE TO COLORADO APPLICANTS:

IT IS UNLAWFUL TO KNOWINGLY PROVIDE FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES, DENIAL OF INSURANCE AND CIVIL DAMAGES. ANY INSURANCE COMPANY OR AGENT OF AN INSURANCE COMPANY WHO KNOWINGLY PROVIDES FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO A POLICYHOLDER OR CLAIMANT FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE POLICYHOLDER OR CLAIMANT WITH REGARD TO A SETTLEMENT OR AWARD PAYABLE FROM INSURANCE PROCEEDS SHALL BE REPORTED TO THE COLORADO DIVISION OF INSURANCE WITHIN THE DEPARTMENT OF REGULATORY AGENCIES.

NOTICE TO DISTRICT OF COLUMBIA APPLICANTS:

WARNING: IT IS A CRIME TO PROVIDE FALSE OR MISLEADING INFORMATION TO AN INSURER FOR THE PURPOSE OF DEFRAUDING THE INSURER OR ANY OTHER PERSON. PENALTIES INCLUDE IMPRISONMENT AND/OR FINES. IN ADDITION, AN INSURER MAY DENY INSURANCE BENEFITS IF FALSE INFORMATION MATERIALLY RELATED TO A CLAIM WAS PROVIDED BY THE APPLICANT.

NOTICE TO FLORIDA APPLICANTS:

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD, OR DECEIVE ANY INSURER FILES A STATEMENT OF CLAIM OR AN APPLICATION CONTAINING ANY FALSE, INCOMPLETE, OR MISLEADING INFORMATION IS GUILTY OF A FELONY OF THE THIRD DEGREE.

NOTICE TO KANSAS APPLICANTS:

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR ANOTHER PERSON FILES AN APPLICATION FOR THE ISSUANCE OF, OR THE RATING OF, AN INSURANCE POLICY OR STATEMENT OF CLAIM OR ANY WRITTEN STATEMENT CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SUBJECTS THE PERSON TO CRIMINAL PENALTIES.

NOTICE TO KENTUCKY APPLICANTS:

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE CONTAINING ANY MATERIALLY FALSE INFORMATION OR CONCEALS, FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME.

NOTICE TO MAINE APPLICANTS:

IT IS A CRIME TO KNOWINGLY PROVIDE FALSE, INCOMPLETE OR MISLEADING INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES OR A DENIAL OF INSURANCE BENEFITS.

NOTICE TO MARYLAND APPLICANTS:

ANY PERSON WHO KNOWINGLY OR WILLFULLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR WHO KNOWINGLY OR WILLFULLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON.

NOTICE TO NEW JERSEY APPLICANTS:

ANY PERSON WHO INCLUDES ANY FALSE OR MISLEADING INFORMATION ON AN APPLICATION FOR AN INSURANCE POLICY IS SUBJECT TO CRIMINAL AND CIVIL PENALTIES.

NOTICE TO NEW MEXICO APPLICANTS:

ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO CIVIL FINES AND CRIMINAL PENALTIES.

NOTICE TO NEW YORK APPLICANTS:

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME, AND SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS AND THE STATED VALUE OF THE CLAIM FOR EACH SUCH VIOLATION.

NOTICE TO OHIO APPLICANTS:

ANY PERSON WHO, WITH INTENT TO DEFRAUD OR KNOWING THAT HE IS FACILITATING A FRAUD AGAINST AN INSURER, SUBMITS AN APPLICATION OR FILES A CLAIM CONTAINING A FALSE OR DECEPTIVE STATEMENT IS GUILTY OF INSURANCE FRAUD.

NOTICE TO OKLAHOMA APPLICANTS:

WARNING: ANY PERSON WHO KNOWINGLY, AND WITH INTENT TO INJURE, DEFRAUD OR DECEIVE ANY INSURER, MAKES ANY CLAIM FOR THE PROCEEDS OF AN INSURANCE POLICY CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING INFORMATION IS GUILTY OF A FELONY.

NOTICE TO OREGON APPLICANTS:

ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS MATERIALLY FALSE INFORMATION IN AN APPLICATION FOR INSURANCE MAY BE GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON.

IN ORDER FOR US TO DENY A CLAIM ON THE BASIS OF MISSTATEMENTS, MISREPRESENTATIONS, OMISSIONS OR CONCEALMENTS ON YOUR PART, WE MUST SHOW THAT:

- A. THE MISINFORMATION IS MATERIAL TO THE CONTENT OF THE POLICY;
- B. WE RELIED UPON THE MISINFORMATION; AND
- C. THE INFORMATION WAS EITHER:
 - 1. MATERIAL TO THE RISK ASSUMED BY US; OR
 - 2. PROVIDED FRAUDULENTLY.

FOR REMEDIES OTHER THAN THE DENIAL OF A CLAIM, MISSTATEMENTS, MISREPRESENTATIONS, OMISSIONS OR CONCEALMENTS ON YOUR PART MUST EITHER BE FRAUDULENT OR MATERIAL TO OUR INTERESTS.

WITH REGARD TO FIRE INSURANCE, IN ORDER TO TRIGGER THE RIGHT TO REMEDY, MATERIAL MISREPRESENTATIONS MUST BE WILLFUL OR INTENTIONAL.

MISSTATEMENTS, MISREPRESENTATIONS, OMISSIONS OR CONCEALMENTS ON YOUR PART ARE NOT FRAUDULENT UNLESS THEY ARE MADE WITH THE INTENT TO KNOWINGLY DEFRAUD.

NOTICE TO PENNSYLVANIA APPLICANTS:

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SUBJECTS SUCH PERSON TO CRIMINAL AND CIVIL PENALTIES.

NOTICE TO PUERTO RICO APPLICANTS:

ANY PERSON WHO KNOWINGLY AND WITH THE INTENTION OF DEFRAUDING PRESENTS FALSE INFORMATION IN AN INSURANCE APPLICATION, OR PRESENTS, HELPS, OR CAUSES THE PRESENTATION OF A FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS OR ANY OTHER BENEFIT, OR PRESENTS MORE THAN ONE CLAIM FOR THE SAME DAMAGE OR LOSS, SHALL INCUR A FELONY AND, UPON CONVICTION, SHALL BE SANCTIONED FOR EACH VIOLATION WITH THE PENALTY OF A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS (\$5,000) AND NOT MORE THAN TEN THOUSAND DOLLARS (\$10,000), OR A FIXED TERM OF IMPRISONMENT FOR THREE (3) YEARS, OR BOTH PENALTIES. SHOULD AGGRAVATING CIRCUMSTANCES BE PRESENT, THE PENALTY THUS ESTABLISHED MAY BE INCREASED TO A MAXIMUM OF FIVE (5) YEARS, IF EXTENUATING CIRCUMSTANCES ARE PRESENT, IT MAY BE REDUCED TO A MINIMUM OF TWO (2) YEARS.

NOTICE TO TENNESSEE, VIRGINIA AND WASHINGTON APPLICANTS:

IT IS A CRIME TO KNOWINGLY PROVIDE FALSE, INCOMPLETE OR MISLEADING INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING THE COMPANY. PENALTIES INCLUDE IMPRISONMENT, FINES AND DENIAL OF INSURANCE BENEFITS.