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# Agent's *Voice*



**Terrorism Risk Insurance Top  
Priority For Congress In 2014**  
pg 13

**PIA of Louisiana's  
71st Annual Convention**  
pg 14-16



FAIRHOPE, AL

**May 2014  
Vol. XLI, No. 4**





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## President's Message



Come Join Us In the Winner's Circle

In a few short months we will be heading back to PIA's home away from home, the Marriott Grand Hotel in Point Clear, Alabama. I hope you are making your plans to join us July 19 thru 22 for our 71st annual convention. You shouldn't miss this opportunity to join with your fellow agents and network with so many of our company partners, get continuing education hours needed for licensing, or just come enjoy all that this beautiful resort on Mobile Bay has to offer. I am sure you will find something in Point Clear, from the excellent amenities at the resort, beautiful manicured grounds, pools, spa and old southern hospitality. There is also tennis, golf, boating, horse-back riding and croquet on the lawn. You will also find great restaurants on site and many more in nearby Fairhope.

Over the years, I have done all of the above. It is one of my wife's favorite destinations and has special meaning to us. I have also been able to meet company representatives and obtain contracts with some of my most valued carriers. Just last year I was able to meet a new company coming into our state and looking for agency appointments. They are now on board in my agency and I am happy to have such an excellent company to offer to my insureds.

There are also 13 hours of continuing education being offered with several

informative and timely topics on the agenda including three hours of flood CE, which is required for your 2015 P & C license renewal. Jody and our staff do an excellent job of selecting the topics as well as planning our itinerary. There are events for the whole family, child care options, pool party, dance party, the ever popular YIPS hospitality suite, golf tournament, volleyball and fun run/walk.

President,  
PIA of Louisiana  
Darryl Frank CPIA, Metairie

We have changed up the agenda a bit this year and done away with the formal banquet. We will hold our second annual silent auction. There are many excellent items up for bid from vacations,

fishing trips, tickets to sporting events, artwork, etc. If you would like to donate an item, please contact Laurie Whipp at the state office. We have also added alternative options for bidding in case you aren't attending convention, so be on the lookout for more information on that.

Many of our company partners will exhibit and you will have plenty of time to visit with them, discuss their products, and pick up many great ideas and goodies to take back to your office staff.

I know many of us are busy preparing our office, and just as importantly, our insureds for the beginning of flood and hurricane season. Take a few minutes to be sure you are with us at Point Clear and let "PIA take you to the winner's circle." I hope to see you there.

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# Commissioner's Column

By James J. Donelon

## Update on the Homeowner Flood Insurance Affordability Act



A year ago in this column I addressed the potentially devastating impact of the Biggert-Waters Flood Insurance Reform and Modernization Act of 2012 which reauthorized the National Flood Insurance Program (NFIP). Consumers and the business community reacted in a united front in opposition to this bill which had already begun to bring stagnation to real estate markets here in Louisiana and across the nation. A hard-fought battle resulted in a bipartisan Congressional response and passage of the Homeowner Flood Insurance Affordability Act, signed by the President on March 21. The Act aims to ensure the financial stability of the NFIP, which currently has \$24 billion of debt, while providing property owners with continued protection.

The Act limits astronomic insurance increases that were mandated under Biggert-Waters and it is truly a triumph for our working coast - the people who work and drive a huge part of our nation's economy. With the passage of this Act, a reasonable level of

rate increase reliability is now in place for most of Louisiana's 480,000 properties insured by the NFIP and some 5.5 million nationally.

Commissioner of Insurance  
Louisiana Department of Insurance  
[public@ldi.state.la.us](mailto:public@ldi.state.la.us)

Although many of the actuarial reforms of Biggert-Waters were abandoned with this Act, actuarially rated homeowners flood insurance will eventually be achieved, it will just

take a little longer. The Act provides an annual flood insurance rate cap for homeowners by limiting increases in flood insurance premiums to no more than 18 percent per year.

The Act repeals the property sales trigger that required homebuyers to pay the full-risk flood insurance rate at the time of purchase. This provision was making it nearly impossible for many homeowners to sell their homes, thereby stalling America's real estate market. Homeowners who purchased property after Biggert-Waters will receive a refund of the increase they experienced prior to passage of the Homeowner Flood Insurance Affordability Act just as existing homeowners who were impacted will receive.

The Homeowner Flood Insurance Affordability Act also repeals the new policy sales trigger which required property owners to pay full-risk rates when buying a new policy. Additionally, the Act reinstates grandfathering so that homes that complied with previous flood maps will no longer be hit with large increases when new maps

show greater risk of flooding.

In order to pay for the continued subsidi-

dizing of rates, annual assessments will be implemented. Assessments of \$25 per year for primary residences and \$250 per year for businesses and vacations homes will be charged to property owners who get NFIP coverage.

There is also non-mandatory language directing FEMA to "strive" to reach the goal that most policyholders have a premium of no more than 1 percent of the value of their coverage - in other words, \$2,000 for a \$200,000 policy.

The Act does not address Biggert-Waters rate hikes for businesses, second homes, substantially damaged structures, structures with cumulative losses over the fair market value and severe repetitive loss properties that had been grandfathered into artificially lower premiums for flood insurance before flood maps were created. Such affected policyholders will see annual increases over the next few years of 25 percent of the actuarial cost until those policies are actuarially priced.

The Act's provisions that restore subsidized flood insurance rates for homes that are sold and establish a refund procedure for people who bought homes under Biggert-Waters without subsidized rates are critical in getting economies going in flood-prone areas. In mid-April FEMA

Continued on page 24

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# Passing It On!

By Jody M. Boudreaux, CAE, CIC, CISR



reception during this time, and then join their parents for our dinner and dance party. We've already had great feedback in making this evening more casual.

I want to make sure to point out some changes we've made to this year's convention. They're highlighted in our center spread this issue and have been included in our promotions, but I know we're all creatures of habit. If you're a regular to our convention, it would be real easy to show up and think the schedule is the same. Well, no, that's not the case...so please pay special attention to our changes!

our 2014-15 Board of Directors.

The YIPs Pool Party has also been moved to Monday afternoon and will run right into our family event, which will be an evening of fun at the pool. This should make it more convenient for those that participate in both events...no need to go into get dressed up for a night event. We'll have our very own family beach party, which will include horseshoes and other fun events for the family.

First we've added a Gathering Room from noon - 5:00 p.m. on Saturday and 8:00 a.m. - 5:00 p.m. each day of the convention. This will allow our attendees just one more opportunity to network with their colleagues.

Executive Vice President,  
PIA of Louisiana  
[jody@piaoflouisiana.com](mailto:jody@piaoflouisiana.com)

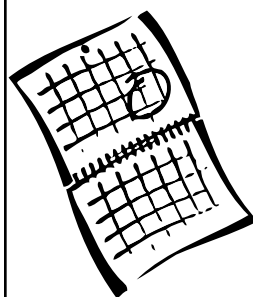
This is perfect if you'd like to follow-up with an exhibitor you visited but felt rushed or to catch up with a friend you may only see once a year at convention. You can schedule to meet in the Gathering Room or just show up, grab a cup of coffee and visit with whomever else is in there at the time! We think it's going to be a wonderful addition to our program.

I also want to point out a very important change. Our Annual Business Meeting (General Session) will be on Sunday morning...not Monday morning as it traditionally has been. This is extremely important for our agency members. Be sure to attend and hear from our Commissioner of Insurance Jim Donelon, PIA National President Johnny Lee, committee and legislative reports, etc. This is also when we'll hold our annual board elections as well as we'll install

If you're not a golfer and don't need CE, we've added a Zumba class on Tuesday mid-morning! How fun is that? And probably our biggest change also takes place on Tuesday. We're replacing our Annual Banquet with a Family Dinner & Dance Party. We'll recognize our award winners during our President's Award Reception, which the kids will attend their own

We are bringing back our Silent Auction that we introduced last year. You'll be able to view items throughout the convention and then final bids will be taken Tuesday evening during the dinner and dance party. Money raised from this auction helps our PR projects. If you have an item to donate, please contact Laurie at our office.

We're looking forward to our new schedule. It's always fun to change things up a bit. We hope you plan on joining us!



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# PIA Errors & Omissions

By Curtis M. Pearsall, CPCU, AIAF, CPIA

## When and where will the next catastrophe strike?

It's amazing how much attention we pay to the various predictors of hurricane season. Yet, in reality, we don't know how accurate they are until the season is over. By then, however, it's too late to do anything about it.

What actions would an agent take if he or she knew emphatically that the hurricane season would be a rough one? Most likely, everything possible to prepare customers for the potential exposure and to make every effort to ensure customers were probably covered. While it is ultimately up to a customer whether he or she buys the coverage, an agent should at least make the customer aware of the coverages to consider.

The issue with catastrophe preparations from an insurance standpoint is that no one truly knows the "when," "where" and "how severe" of the next big weather event. In addition, catastrophes include more than just what Mother Nature dishes out. This is evidenced by other tragedies we have faced, such as the 9/11 attacks. In fact, the 9/11 attacks caused more than a handful of E&O cases, with some of the size that had never been experienced before.

This is why an agent must be proactive in addressing the issues that will minimize the potential of his or her agency facing errors-and-omissions litigation when a catastrophe strikes the agent's community. Moreover, it's probably too late to do anything about it if your agency waits until the event appears in the news.

### Do you have any mistakes in your files?

Probably. Sometimes, those "errors" are discovered and resolved with no harm done. Other times, agents aren't as lucky. In the early 1990s when a

hurricane hit, one agency pulled files when its customers reported claims only to discover that 14 customer files contained an application with a check attached! Coverage had never been bound. Had the hurricane not hit, those files with the checks attached would probably not have been identified before a loss occurred – and this was only one agency.

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Imagine if your agency had a customer that suffered a loss. What are the chances of there being a mistake on that file? It's possible, but the odds are

with the agency. If 100 of your customers suffered a loss, the chances of there being a mistake on at least one file rises significantly. As the saying goes, "nothing brings out an agent's mistake as quick as a catastrophe."

### Could your agency be affected?

It might. What actions has your agency taken to ensure that your files/records will survive? Presuming that most agencies are automated, what will happen to your system? What is your disaster recovery plan? When was it last updated?

In the event of E&O litigation, the files and the documentation they contain will be a key issue. So, if a catastrophe of some type strikes, what will happen to your files? Check with your agency's IT team to determine the vulnerability of your file back-up in case of a catastrophe, weather-related or otherwise.

How about the level and quality of the file documentation? Does the file reflect the customer being advised in writing of various issues? Was specific coverage rejected by the customer? Coverage issues in writing and rejections of coverage that have



been signed off will certainly assist the counsel defending your agency in E&O litigation.

It is interesting that even when agents

have done a great job of education and documentation, they could still be sued if a catastrophe strikes. When a customer faces significant financial disaster, he or he may believe there is no other choice than to sue the insurance agent.

### Educate your staff

Educating your staff is one of the fundamental places to start for enhancing your agency's E&O culture. After all, customers rely on your staff's knowledge and expertise to help them understand their coverages and how they work. If the staff is not technically proficient, incorrect information could be communicated to customers.

Develop a campaign to offer coverages such as flood, earthquake or business interruption to all applicable customers. If the customer rejects the coverage, get the rejection in writing. It is best to get a physical signature to document a rejection of coverage. This goes a long way to remove any doubt of what the customer's intentions were. An annual account review with both personal and commercial customers would seem to address this.

### Become a "documentation fanatic"

Documentation really is the key that will determine the direction and path of an errors-and-omissions claim. For example, agencies that advised customers of the 30-day waiting period when Superstorm Sandy was approaching stood a much better chance of prevailing when E&O litigation occurred.

Continued on page 24



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# Terrorism Risk Insurance Top Priority for Congress in 2014

By Jon Gentile, PIA Director of Federal Affairs

While this Congress has been painfully slow enacting most legislation, 2014 has been a busy year for federal insurance policy. So far Congress has taken action on crop insurance and a bill to amend the 2012 Biggert-Waters Flood Insurance Reform Act (Biggert-Waters). As Congress comes back from their two week spring recess, members will now turn their attention to the next pressing issue: the upcoming expiration of the Terrorism Risk Insurance Act (TRIA).

## **Background on TRIA:**

TRIA was first passed into law in the aftermath of the terrorist attacks of September 2001, helping the economy get back on its feet by guaranteeing the federal government would cover a substantial portion of terrorism-related losses over a pre-determined amount. Intended to serve as a temporary backstop, TRIA and the program it creates, the Terrorism Risk Insurance Program (TRIP), has been reauthorized two other times, most recently in 2007. TRIA is currently set to expire on December 31, 2014.

The risk taken by insurers has steadily increased after each extension of the law, and the current level of losses that would trigger federal assistance is now \$100 million. The insurance industry is responsible for paying the first 20% of terrorism-related losses as well as 15% of losses beyond that initial deductible. The program does not charge premiums but requires insurers to repay up to \$27.5 billion in reinsurance payouts. In order to keep taxpayers' burden to a minimum, the program has an annual cap of \$100 billion in total Treasury payouts.

## **2014 Reauthorization:**

After much delay, the reauthorization of TRIA is just getting underway this spring. But while there has been recent movement in both the House and Senate, the swift reauthorization of the law is not a done deal by any means. The insurance industry largely favors a clean reauthorization of TRIA, while key members of Congress prefer a bill that could see major changes.

## **U.S. House of Representatives:**

Last year, three TRIA-related bills were introduced in the House of Representatives, including one that PIA supports, H.R. 508, The Terrorism Risk Insurance Reauthorization Act. This bill, introduced by Rep. Michael Grimm (R-NY), has a wide range of bipartisan backing and is a straightforward 5-year reauthorization of the law, which is why it has received PIA support. PIA staff has recently met with Rep. Grimm's office regarding strategy for advancing H.R. 508.

The biggest obstacle to a clean and quick reauthorization have been House conservatives, who wish to see substantial changes to TRIA, or even a phasing out of the program. Despite popular support for H.R. 508 (it has 89 cosponsors), the bill will likely have trouble moving through the House Financial Services Committee. The reason is because the committee's chairman, Rep. Jeb Hensarling (R-TX), has made it clear he favors changes to the law. The Chairman of the Housing and Insurance subcommittee Rep. Randy Neugebauer (R-TX), who will also play an important role in TRIA, holds the same position. In meetings with congressional offices, PIA has learned that such changes might include the amount that would trigger federal involvement or a mechanism to move the program to the private market. PIA supports the private market but is unconvinced it is ready to take on insuring for terror without the government backstop.

## **U.S. Senate:**

After little movement on TRIA, the Senate finally saw a bill introduced in April, S. 2244; introduced by Senator Chuck Schumer (D-NY). The bill would reauthorize the law for 7 years but has two changes to the law, both with a five year phase-in: First, it would increase insurers' co-share of insured terrorism losses from 15% to 20%, with the government moving from taking on 85% down to 80% under the proposal. Second, it increases the amount of losses that the insurance industry as a whole incurs for which mandatory recoupment of the federal share of the loss will be imposed

by \$10 billion, to \$37.5 billion. S. 2244 has a great deal of momentum in the Senate and already has 12 cosponsors, including the bipartisan support of the chair and ranking member of the Senate Banking, Housing and Urban Affairs committee, Senators Tim Johnson (D-SD) and Michael Crapo (R-ID).

## **Outlook:**

PIA is actively meeting with both houses of Congress to push for a long-term reauthorization that is as clean as possible. We are wary of major changes to the law, particularly anything that would negatively impact wide industry participation, such as raising the trigger level for the program.

In meetings with House Republicans, it is clear TRIA is next on the agenda for the House Financial Services Committee, and a bill is being written by the leadership of the committee. On the other side of Capitol Hill, Senate aides have said the Banking, Housing and Urban Affairs committee first must complete housing finance legislation before it moves to consider TRIA, although they expect the committee to turn its attention to TRIA by mid-May.

Another factor in the mix is the possible inclusion of unrelated insurance provisions to any TRIA legislation that moves. S. 534/H.R. 1155, The National Association of Registered Agents and Brokers Act (NARAB II) was nearly added to the flood bill, although it was not included in the final version that was signed into law in March. Congressional aides have confirmed that there will be an effort to add NARAB II to TRIA. There is also the possibility that recently introduced legislation to protect insurance companies from bank-centric capital requirements under Dodd-Frank could also be added to TRIA when it moves through committee.

Be on the lookout for updates and don't hesitate to contact PIA National with any questions.

# Let PIA Take You To The



# PIA of Louisiana's 71st Annual Convention

## July 19-22, 2014

### The Grand Hotel Point Clear, AL

## “Let PIA Take You to the Winner’s Circle”

PIA of Louisiana invites you to join them for their 71<sup>st</sup> Annual Convention. We return to The Grand Hotel in Point Clear, Alabama, for this horse racing inspired event. We have changed things up a bit this year, with not only **new events**, but old favorites on **new days**, so be sure to read over the agenda and following highlights. Odds are you will find many opportunities to network and learn at this year’s convention... It’s a Sure Bet!



## New This Year...

As we strive to keep our convention programming current, we have some exciting changes in the line up for 2014. We start out each day with our **Gathering Room**. Open from 8-5 every day, agents and company representatives now have a place to meet and have a quiet conversation outside of the bustle of the exhibit hall. Come grab a cup of coffee, plug in your phone, and visit with other attendees. We have also changed some of our evening functions this year... We will no longer have a formal banquet. Instead we will host an **Awards Reception** followed by a **Family Dinner & Dance Party**. The kids will even have their own private reception prior to join-

ing you at the Family Dinner and Dance Party.

For our company representatives, we know it is important for you to have time with your agents. So we have added a free night on Sunday for you to host your **Company Dinners**. We have also added a **Zumba** class on Tuesday morning for those who prefer to get their exercise inside and not out on the golf course. We hope that these new events give you more options and activities to enjoy at convention!

## Old Favorites Get A New Day & Time...



In order to consolidate the “business” portion of convention, we have moved our **General Session** and **Spouse’s Program** to Sunday morning. This will be immediately followed by the Installation of Officers. You will also notice changes to the “fun” side of convention. Our adult only **YIPs Pool Party** will now take place on Monday afternoon. It will be followed by a **Family Beach Party** just outside the pool

area on the Grand Beach. So bring your competitive spirit and plan to take part in the PIA “Race” activities.

## Silent Auction...



Last year’s **Silent Auction** was a great success and we decided to make this an annual part of the PIA Convention. This year’s auction will host a variety of items donated by our members. Items will be on display throughout the convention in the Dogwood Room for bidding. Be sure to stop by often to make sure that you have the top bid!

Final viewing/last chance to bid will take place at the Awards Reception and Family Dinner & Dance Party. Winners will be announced during this event. If you can’t make it to that event, contact the PIA office to inquire about a write-in bid. All proceeds will be used for our upcoming PR Campaign. If you are interested

in donating an item or service, or for more information, contact the PIA office!

## Winners Circle Exhibit Hall...



It has become PIA tradition that we kick off our opening reception with a contest... and this year is no exception. We hope to see quite a few **Jockeys, Race Enthusiasts and Derby Hats** in the Winner's Circle Exhibit Hall. We will be awarding prizes to the best-dressed attendee, the best-decorated booth, and Best Derby Hat. We can't wait to see who will be "*In The Money*".

## The Daily Double Education Opportunities...

Each day participants have an opportunity to attend two continuing education classes for a total of **13 hours**. We have a broad variety of topics in the line up and our instructors are the front runners in their industry. This year's topics include: Flood, Business Forms, Risk and Cyber Liability. Our education programs are sure to keep you on the right track!

## Convention Registration...

Registration is now open with Early Bird discounts available to those who register by June 13th. The full convention registration for all agents and company representatives starts at \$250 and includes all Continuing Education, the Winner's Circle Exhibit Hall, and all convention related functions. Spouses and adult children (over 17) can purchase a full spouse/guest registration for \$200. There is no charge for your minor children to attend convention and guest children can accompany them for only \$50 each.



For those guests who do not want to participate in all the convention activities a full registration offers, you can purchase tickets for the Exhibit Hall (two day pass), Monday evening events (YIPs Pool Party, Family Beach Party), or Tuesday evening events (Silent Auction, Presidents Award Reception, Family Dinner & Dance Party).



## The Grand Hotel...

The Grand Hotel in Point Clear, Alabama remains one of the top convention destinations for our attendees. Attendees will enjoy the indoor and outdoor swimming pool, beach, full service spa, marina, sailboats, fishing, bike trails and fitness center. This full service hotel also offers a variety of dining options, from the Pelican's Nest poolside snack bar to The Saltwater Grill fine dining restaurant; there is something here for everyone. Your little foals are sure to love Tom Sawyer's Playground by the pool. To make your hotel reservations please call The Grand directly at 1-800-544-9933. Be sure to give the code: Professional Insurance Agents of Louisiana when making your reservation. Room rates start at \$199 per night plus tax and fees and are on a first come first serve basis. For information on The Grand Hotel Resort, Golf Club & Spa please visit [www.marriott.com](http://www.marriott.com). Since our convention is so popular, rooms can be hard to get if you wait too long... If you can't get the check in date you want, don't give up. Join us a day later, check the PIA website for additional options or call the PIA office if you need assistance.



## Attractions...

A luxurious spa and salon experience awaits you in the The Grand Hotel's 20,000

menu of massage therapies and classic services, the spa at The Grand will leave you feeling fully pampered and melt away your stress and tension. The Grand Hotel was ranked the #1 Spa from Marriott Guest Satisfaction Worldwide by Marriott in 2010 & 2011. Reservations are required.

History buffs will love to visit the USS Alabama Battleship, the number one tourist attraction in the state, or the Pensacola Naval Air Museum. Take a tour of the Historic Blakeley State Park or ride along on a Historic Mobile Tour. You can also explore the floral wonderland of Bellingrath Gardens, featured in "Southern Living Magazine."

If history isn't your cup of tea, take a trip to the Tanger Outlet Mall in Foley and shop at over 115 factory outlet stores. Visit Punta Clara Kitchen for antique shopping and a look into southern candy making. Explore the Eastern Shore Art center where you can peruse artwork, shop or even make a piece of art to take home. You can even visit the Gulf Coast Exploreum/IMAX Theatre for some cool views!

If you love nature, take one of the many tours that this area has to offer. From the Day on the Bay tour, to the Delta Eco tour, there is something for everyone! Enjoy one of the 5 rivers in the area for 250,000 acres of waterway fun.

## More Information

For more information on the Professional Insurance Agents of Louisiana's 71st Annual Convention, visit the PIA website, [www.piaoflouisiana.com](http://www.piaoflouisiana.com) and click on the Convention tab. You can also call the PIA office at 225-766-7770.

*We look forward to seeing you in the Winner's Circle!*



Area



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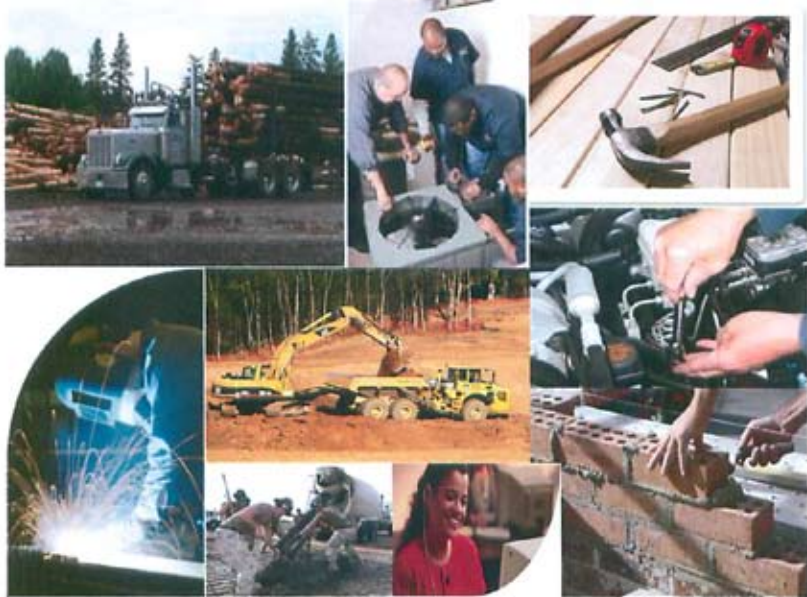
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\* Source: LA DOI Report. Top Twenty Premiums Statistics Reports. Homeowners Multiple Peril 2013.

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Continued From Page 6  
(Commissioner's Column)

announced that effective May 1, 2014, homeowners who purchased new homes after July 6, 2012 (when Biggert-Waters became law) will revert back to subsidized rates and not be charged actuarial rates.

These new FEMA guidelines were recently sent to Write Your Own companies that process flood insurance applications.

FEMA has said it is ironing out the details on the process for refunding premiums to policyholders who renewed their flood insurance policies or purchased a new flood insurance policy and paid unsubsidized premiums under Biggert-Waters.

Concerns regarding the impact of FEMA flood maps on flood insurance rates as

well as questions over how flood maps will impact current real estate values and future growth in the housing sector of our state have the attention of property owners, realtors and planners. In next month's column I will address the FEMA rate mapping process and how this process in being implemented in Louisiana.

Continued From Page 8  
(PIA Errors and Omissions)

### Preparation is vital

It would be nice to know the "when and where" of future catastrophes, but this is not realistic. Use Superstorm Sandy as an example. Many personal lines customers lacked the necessary flood coverage and many commercial lines customers did not have the proper business interruption coverage. You do not want this type of scenario to occur with your customers. Therefore, prepare your customers for the unknown. You will definitely minimize the chances of an E&O claim occurring against your agency and you actually may find yourself selling more insurance.



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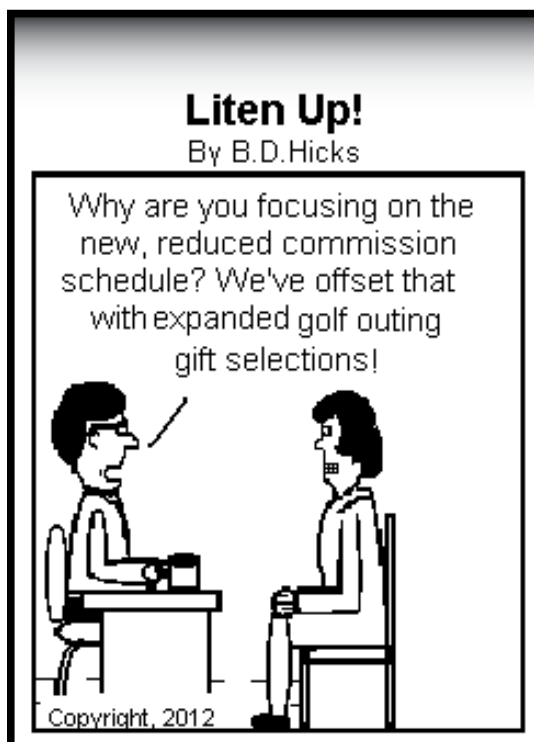
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