

# 2010 NSCA NON-CERTIFIED INSTRUCTOR LIABILITY INSURANCE PROGRAM

(Revised 6/7/2010)

*The following is a summary of the 2010 NSCA Non-Certified Instructor Liability Insurance Program which provides Commercial General Liability and Professional Liability. This summary is intended for informational purposes only and is not a contract of insurance. Please refer to the specimen insurance policies for complete details of coverage, policy terms and conditions, benefits, limits and exclusions.*

## OVERVIEW

**Here are a few highlights of the 2010 NSCA Non-Certified Instructor Liability Insurance Program:**

- The program is voluntary and available to Non-Certified (CSCS or CPT) instructors. You **MUST** be a member of the National Strength and Conditioning Association in order to be eligible for this coverage.
- The program has been written on a master policy basis, so that multiple policies do not have to be issued. Specimen policies will be provided for individual instructors to review.
- Each instructor will be required to complete an enrollment and submit the required premium payment as part of enrollment into the program. Coverage becomes effective the day after your enrollment has been approved and payment has been received by K&K Insurance. K&K will send a certificate of insurance confirming your enrollment.
- This program provides coverage on an "Occurrence" basis. This means that the insurance company insuring the instructor at the time of the alleged incident will be responsible for providing defense and coverage in accordance with the terms of the policy, even if the claim or allegation of negligence is not brought until after expiration of the policy. This is a major advantage over policies written on a "claims made" basis.

***Please refer to the following pages for more details regarding the NSCA Non-Certified Instructor Liability Insurance Program available through ESIX.***



## **Entertainment & Sports Insurance eXperts (ESIX)**

5660 New Northside Drive, Suite 640

Atlanta, Georgia 30328

678.324.3300 (Telephone)

678.324.3303 (Fax)

[www.esixglobal.com](http://www.esixglobal.com)

**Atlanta ▪ Colorado Springs ▪ London**

## **NSCA NON-CERTIFIED INSTRUCTOR LIABILITY INSURANCE PROGRAM**

### ***Who is an Insured under the NSCA Non-Certified Instructor Liability Insurance Program?***

**Named Insureds:** National Strength and Conditioning Non-Certified Instructors (who have applied for coverage and paid the appropriate premium)

**Additional Insureds:** Third parties (such as a studio, gym, etc.) for whom the insurance company has agreed to extend limited coverage, but only with respect to claims caused, in whole or in part, by the acts or omissions of the Named Insured.

### ***What coverages and limits are provided under the NSCA Non-Certified Instructor Liability Insurance Program?***

General Liability/Professional Liability	\$ 1,000,000	(Each Occurrence)
General Aggregate Limit	None	
Personal & Advertising Injury	\$ 1,000,000	
Products/Completed Operations	\$ 1,000,000	
Damage to Premises Rented to You	\$ 300,000	
Participant Legal Liability	\$ 1,000,000	
Professional Liability	Included	
Premises Medical Payments	\$5,000	

### ***Are Waiver and Release Forms Required as a Condition of Coverage?***

Yes, obtaining signed Waiver and Release of Liability forms from your students is a condition of coverage. ESIX can provide sample copies for your review. It is important to remember that obtaining signed waivers from all participants does not reduce the need for insurance or effective safety practices. A signed waiver is the Instructor's "first line of defense" against a cause of action for negligence and is a very effective risk management tool.

### ***What is covered under the NSCA Non-Certified Instructor Liability Insurance Program?***

**General Liability and Professional Liability:** The policy provides coverage for those sums (up to applicable policy limits) that the NSCA instructor becomes legally obligated to pay as damages because of claims brought by third parties alleging bodily injury, property damage, personal or advertising injury caused by the acts or omissions of the Instructor. The policy also includes coverage for liability arising out of an instructor's day-to-day instruction activities, including their professional exposure as an NSCA instructor. Here are a few of the key coverage areas:

**Bodily Injury Liability:** protects the Instructor against claims brought by third parties (including claims from students) alleging bodily injury or death caused by the negligent acts or omissions of the Instructor.

**Property Damage Liability:** protects the Instructor against claims brought by third parties alleging physical damage to or loss of use of tangible property caused by the negligent acts or omissions of the Instructor. All Commercial General Liability policies contain exclusions for damage to property in the insured's care, custody and control.

**Personal & Advertising Injury Liability:** protects the Instructor against injury, other than bodily injury, arising out of libel, slander, defamation of character, invasion of privacy, wrongful eviction, wrongful entry, false arrest, wrongful detention or imprisonment, malicious prosecution, misappropriation of advertising ideas or style of doing business, or infringement of copyright, title or slogan.

**Products Liability:** protects the Instructor against liability for bodily injury or property damage as a consequence of some defect in a product sold. The policy specifically excludes coverage for the sale and distribution of herbal, medicinal or nutritional products.

**Participant Legal Liability:** protects the Instructor against claims for "bodily injury" brought by "participants" in any training activity sponsored, organized and/or supervised by the Instructor.

**Professional Liability:** protects the Instructor against allegations of "bodily injury" alleging the instructor, in a professional capacity, should have had knowledge that the activity could potentially cause injury.

### ***What is not covered under the NSCA Non-Certified Instructor Liability Insurance Program?***

- Medical Expenses for students, unless it is determined that the injury was caused by the negligent acts or omissions of the Instructor and that the Instructor is legally liable.
- Claims for Damage to Property in the care, custody and control of the Instructor (Studio Insurance).
- Auto Liability & Physical Damage claims.
- Aircraft Liability & Physical Damage claims.
- Expected Or Intended Injury Exclusion – excludes coverage for intentional acts which result in "bodily injury" or "property damage" from the standpoint of the Instructor (this exclusion does not apply to "bodily injury" resulting from the use of reasonable force to protect persons or property).
- Liquor Liability for the sale of alcoholic beverages (Host liquor liability coverage is provided under the policy for alcohol served on a complimentary basis to adults of legal drinking age).
- Fireworks or Pyrotechnics Exclusion (excludes coverage for liability arising out of the ownership, maintenance, handling, storage, distribution, sale or use of fireworks, flash-powder, or explosive compositions).
- Exclusion – Bungee
- Sexual Abuse and Molestation
- Operations and Activities covered under another policy
- Facility operations-whether owned or managed (Studio Insurance)
- Other standard General Liability policy exclusions and limitations.

*The exclusions identified above do not represent a complete list of exclusions and limitations under the policy. Additional exclusions and limitations apply.*

***How do I request a Certificate of Insurance as evidence of coverage under the NSCA Non-Certified Instructor Liability Insurance Program?***

***Certificate requests should be submitted to Nicki Lehrman at K&K Insurance. Her contact information is below:***

Nicki Lehrman  
K&K Insurance, Inc.  
1712 Magnavox Way  
P.O. Box 2338  
Fort Wayne, IN 46801-2338  
800-441-3994 ext. 5064  
260-459-5120 Facsimile  
[nicki.lehrman@kandkinsurance.com](mailto:nicki.lehrman@kandkinsurance.com)

***Please request Certificates of Insurance only for those third parties who require them and have a direct relationship with your activities and events (such as a studio).***

A certificate of insurance is a document issued by or on behalf of an insurance company to provide an interested third party (the Certificate Holder) with information regarding the insurance coverage maintained by the Named Insured.

The most common type of certificate is for informational purposes only to advise a third party Certificate Holder of the existence and amount of insurance issued to the Named Insured, and confers no rights upon the Certificate Holder. The second most common type of certificate is one that in addition to describing the insurance available to the Named Insured, the certificate may also convey information that the Certificate Holder is an “Additional Insured” under the policy issued to the Named Insured, thus giving the Certificate Holder some interest in the policy itself.

For example, Instructors will often be required to provide Certificates of Insurance as a means to secure permission from and to confirm an ability to teach in a studio.

If the certificate names a studio as an Additional Insured, it will protect the studio against claims caused, in whole or in part, by the acts or omissions of the Instructor (as the Named Insured) during the Instructor’s use of the studio.

***Important Definitions:***

***Certificate Holder:*** the interested party provided with a certificate of insurance as evidence of the insurance maintained by the Named Insured.

***Named Insured:*** National Strength and Conditioning Association Non-Certified Instructors who have enrolled into the program and paid the appropriate premium

***Additional Insured:*** an interested party (usually a Certificate Holder) for whom the insurance company has agreed to extend limited coverage, but only with respect to claims caused, in whole or in part, by the acts or omissions of the Named Insured.

## ***Questions and Answers regarding the NSCA Non-Certified Instructor Liability Insurance Program***

### **Who is eligible for coverage?**

Members of the NSCA who are neither CSCS or CPT certified.

### **What is the cost of the insurance?**

The coverage has a common anniversary date of February 1<sup>st</sup>. Therefore, your premium will be pro-rated based upon when you apply for coverage. The following quarterly pro-rating will apply:

February 1 <sup>st</sup> through April 30 <sup>th</sup> :	\$ 199.00
May 1 <sup>st</sup> through July 31 <sup>st</sup> :	\$ 134.00
August 1 <sup>st</sup> through October 31 <sup>st</sup> :	\$ 84.00
November 1 <sup>st</sup> through January 31 <sup>st</sup> :	\$ 34.00

*The Costs shown above include premiums, commissions for placement of the coverage and fees for administration of the program. There will be an extra \$5.00 premium charge for credit card transactions.*

### **Where do I submit my enrollment and payment?**

To K&K Insurance at the address shown on the enrollment form.

### **When does my insurance become effective?**

Your insurance is effective the day after your enrollment and payment have been received by K&K Insurance. K&K will send a certificate of insurance confirming your enrollment.

### **Can a third party be covered by this insurance?**

Yes. Third parties having an insurable interest may be named as an “Additional Insured,” but only with respect to the acts or omissions of the Instructor. Examples might include studios or gym that you are working out of.

### **What benefits do “Additional Insureds” receive under this program?**

Additional Insureds (such as a studio or gym) would be provided with a defense and coverage under the policy to the extent that they are named as a defendant in a claim or formal legal action arising out of the negligent acts or omissions of an enrolled instructor.

# ESIX OVERVIEW



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Atlanta, Georgia 30328

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**Entertainment and Sports Insurance Experts** is a fully integrated risk management and insurance brokerage firm dedicated exclusively to clients in the sports and entertainment industries. ESIX was established in 1994 to serve the risk management and insurance needs of amateur and professional sports organizations, entertainers, athletes, teams, foundations, venues and associations.

Today, ESIX operates out of offices in Atlanta, Colorado Springs and London. Built on a reputation of integrity, innovation and service, ESIX continues to develop comprehensive and cost effective risk management and insurance solutions for our valued clients. Whether you are in need of an insurance product or risk management expertise, ESIX will deliver.

**ESIX** serves some of the nation's most prestigious **professional and amateur sports organizations, foundations, national governing bodies, associations, teams and venues**. By outsourcing the majority of their risk management and insurance functions to ESIX, these organizations are able to access valuable risk management and insurance expertise at a significantly lower overall cost. *Over 200 sports organizations look to ESIX for their risk management and insurance needs each year.*

**ESIX** applies its risk management and insurance expertise to **events**, ranging from world-class sporting events (such as the Lipton Players Tennis Championship, the AT&T National PGA Tournament and the Tour of Missouri) to concerts and local events. *Working with event organizers, sponsors and promoters, ESIX provides risk management and insurance support to over 100,000 events per year.*

**ESIX** works with **individual athletes and entertainers** to provide insurance products designed to protect their financial future (and that of their family) in the event of death, disability, sickness or other exigencies associated with their skill. Top money winners on the ATP and PGA tours, auto racing champions, elite players in the NBA, NHL, NFL and MLB, and high profile collegiate, individual sport and entertainment performers are among our clientele. *In total, over 1,100 athletes and entertainers are insured through ESIX each year.*