

SILENT SPORTS PROGRAM – EVENT, TOUR, BIKE RENTAL FAQ

We have found a few questions that were commonly asked and we have attempted to address them as well as provide some general parameters for the Silent Sports Association (Event/Tour/Rental) Insurance Program.

COMMERCIAL GENERAL LIABILITY

Protects the organization against lawsuits arising from Bodily Injury, Property Damage, Personal and Advertising Injury. Liability protection is provided by this policy for your sponsored and supervised activities. Claims examples under our Silent Sports Program General Liability policy include lawsuits coming from injured participants injured spectators, or third-parties who seek damages for alleged liability.

This policy is written on an occurrence basis. Cost of Defense: outside limits of liability. Coverage Included for Claims by Athletic Participants.

Coverage available for approved events/operations including:

- ✓ Road and Mtn Bike Tours
- ✓ Hiking Tours
- ✓ Bicycle Rentals
- ✓ Run/Walk Events
- ✓ Triathlon/Duathlon Events
- ✓ Camps/Clinics
- ✓ Festivals
- ✓ Bike Polo Events
- ✓ Swimming Events
- ✓ Road and Mtn Bike Races
- ✓ Road and Mtn Bike Rides
- ✓ Cyclocross Races
- ✓ Adventure Races
- ✓ XC Ski & Snowshoe Events
- ✓ Canoe, Kayak, Paddle Board & Dragon Boat Tours & Events

PARTICIPANT EXCESS ACCIDENT MEDICAL

Excess Accident Medical coverage is designed to supplement existing primary medical policies and help pay out-of-pocket medical expenses incurred by injured registered participants of your event(s) who sustain bodily injury as the result of an accident during your sponsored and supervised activities.

Coverage is provided on an **Excess** basis and is secondary to any other plans, subject to the terms and conditions of the policy. Only registered participants of your organization are eligible for this coverage. At the time of application, you have the option to elect this Excess Accident Medical coverage for any non-participant volunteers as well.

LIABILITY WAIVER REQUIREMENT

In the event of a lawsuit, a well drafted release of liability waiver is the first line of defense for your organization. It is a requirement of the Silent Sports Association Insurance Program that you have a release of liability waiver signed by all “athletic participants”.

If your organization has implemented procedures to secure signed release of liability waivers by all athletic participants, but you are unable to provide such release at the time of an incident despite your best efforts, your organization must assume and pay the first \$500 of each occurrence (including supplemental payments) resulting in an “athletic participant” legal liability claim.

Release of liability waivers are to be considered valuable papers and their destruction is subject to applicable insurance laws in respect of the retention of records.

HIRED AND NON-OWNED AUTO LIABILITY

Hired and Non-Owned Automobile Liability (HNOA) has been available under the Silent Sports program in the past and is available again this year. This coverage is designed to protect an organization from auto liability claims when your organization rents vehicles on the business of the organization and/or when employees or volunteers drive their own vehicles on behalf of the organization. Coverage is excess over any primary insurance covering the hired auto or non-owned auto.

For risk management purposes, the following guidelines should be followed with respect to the use of hired and non-owned vehicles:

- ✓ Drivers under the age of 25 and over the age of 70 should not be appointed to drive on behalf of an event/organization
- ✓ Drivers should have no more than 1 speeding violation in the past year and no major moving violations.
- ✓ As part of your Risk Management Plan, you should have a written policy on vehicle use consisting of policies such as, but not limited to:
 - Limiting those driving on behalf of the organization only to those authorized by the organization
 - Avoiding personal errands
 - Inspection of the vehicle prior to use
 - Procedures for reporting accidents
 - Confirming that each driver is capable and familiar with the vehicle which they have been assigned to drive (For example – does the person have previous experience driving a larger passenger van or a box truck?)

PROPERTY OF OTHERS IN YOUR CARE, CUSTODY OR CONTROL

Coverage may be purchased for the personal property of your tour participants while in your care, custody or control. This coverage is in addition to any other insurance coverage the property owner (participant) may have, such as homeowners Insurance. The coverage is designed to provide a minimum amount of coverage for property that is damaged or stolen while in your care. There is no need to prove liability or negligence on your part; it is a goodwill payment that is triggered by the occurrence. We feel that this is an important coverage that can assure the relationship you have worked hard to build with your tour participants.

MINIMUM AGE FOR PARTICIPANTS

There is no minimum age for participants. For any minor age members, it is important that a release of liability waiver is signed by their parent or guardian. If you provide SAG service for your event, please remember that you may be required to have a child safety seat in each SAG vehicle. If you are not equipped for small children you should notify the participants of this limitation.

BICYCLE RENTALS

If bicycle rentals are a part of the cost and incidental to your tours, no additional coverage is needed. If you offer rental bikes to your tour participants at an additional cost to the participant, or if you offer stand-alone bicycle rentals, you would need to purchase additional Bicycle Rental coverage for this exposure.

LIQUOR LIABILITY

The General Liability policy excludes liquor liability. If your organization is serving or furnishing alcoholic beverages for a charge, a separate Liquor Liability policy is needed, regardless of whether or not the activity requires a liquor license. While the General Liability policy excludes liquor liability, it does include a 'host liquor' provision, which provides liability coverage for bodily injury or property damage arising out of the serving or distribution of alcoholic beverages by a party not engaged in this activity as a business enterprise. If your organization needs a quote for Liquor Liability coverage contact McKay Group for an application.

ADDITIONAL INSURED – MEDICAL PERSONNEL

Coverage is available for medical personnel. This coverage would provide employees and volunteers of your organization, who are (I) Nurses; (II) Emergency Technicians, (III) First Aid Attendants, or (IV) Paramedics, professional liability coverage for their emergency medical services. “Emergency medical services mean immediate first aid, emergency care of basic life support rendered or which should have been rendered to any person.” Please contact McKay Group for further details.

SUBCONTRACTOR OR EMPLOYEE?

Many tour operators call their tour guides subcontractors for tax purposes and pay them with a 1099, but this doesn't mean they are an independent contractor for insurance purposes, especially Workers Compensation. Each state varies a bit so you should check with an attorney in your state. Often you will have to prove that they are truly independent. For example, do they set their own schedule, provide their own equipment and do they bill you for services?

If it appears that they are an employee, you may be subject to Workers Compensation statutes making you responsible for any medical and lost work time expense due to an on the job injury. If so, you may want to consider a Worker's Compensation insurance policy or work with your contractors and an attorney to make sure they are truly independent.

TRAVEL INSURANCE

As an added service, McKay Insurance has partnered with Travelex Insurance Services to offer Travel Insurance to your event participants. You and your participants can visit the [Travelex website](#) for more information and to obtain a quote.

TRAIL MAINTENANCE AND CONSTRUCTION EXCLUSION

This program is designed to provide risk management guidance and insurance coverage for sports organizations. Over the years the activities of cycling organizations have grown and, for some organizations, the focus has changed from sports related activities to the design and construction of trails and land maintenance. In order to preserve the integrity of the program and keep costs low for sports-focused organizations the following Trail Maintenance and Construction Exclusion was added.

Exclusion:

1. Designing or building for any trail for bicycling, hiking or other use;
2. All features built on trails owned or leased by the insured;
3. Operation of ATVS, Motorcycles, Wood Chippers and any other powered self-propelled riding unit;
4. Operation of any power machine except non-riding mowers not to exceed 7.5 horse power, weed eaters, and chainsaws not to exceed 61cc.

SEXUAL ABUSE LIABILITY COVERAGE (SafeKids Program)

We are pleased to offer a risk management program for our insured organizations that work with children called SafeKids. We feel that this is an important coverage and should strongly be considered by your organization, especially if you are a youth-serving organization. The SafeKids program offers policies and guidelines for adoption by your organization to help reduce and prevent abuse.

In addition to the SafeKids risk management program we can now offer coverage for Sexual Abuse and Molestation for your organization. To get a quote for this important coverage please contact McKay Group.

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