



Williams Underwriting Group

WILLIAMS UNDERWRITING GROUP 2023 INDEPENDENT CARRIER REAL ESTATE ERRORS AND OMISSIONS PROGRAM

Great News - Williams Underwriting Group (WUG), a division of Assured Partners NL, LLC is pleased to announce that we will continue to provide real estate errors & omissions coverage in 2023 for Colorado licensees and Firms. For the past twenty-four years WUG has understood the importance of providing quality claims-made E&O coverage to Colorado real estate licensees. For this reason, we have teamed up with a new insurance carrier for a policy underwritten by **Continental Casualty Company**, a CNA insurance company (rated "A" by A.M. Best). **WUG continues to be the exclusive real estate errors & omissions insurance provider for the Colorado Association of Realtors (CAR) with additional benefits for CAR members.**

POLICY FEATURES:

- **Choice of Limits of Liability** for both individual and firm licenses of \$100,000/\$300,000, \$250,000/\$750,000 or \$500,000/\$1,000,000.
- **Deductible** is \$1,000 each Claim. Each licensee pays this deductible. There is no deductible for claim expenses. Only one deductible applies if a claim involves multiple licensees with the same firm.
- **Lock Box Property Damage Limit** of \$100,000 per claim / \$300,000 aggregate. There is no deductible for Lock Box coverage.
- **Discrimination/Fair Housing Limit** of \$25,000 per claim / \$25,000 aggregate (damages)
- **Escrow/Earnest Money Sublimit** of \$10,000 per claim and \$25,000 aggregate (damages)
- **New for 2023 Defense Outside Limits** There is NO LIMIT on the amount of defense costs the carrier will pay in connection with claims covered under the basic policy.
- **Property Management Services**, as defined in the policy, are automatically included. Coverage does not extend to unlicensed employees who perform **Property Management Services**.
- **Primary residence coverage** for the sale or listing for sale of your primary or principal residence, provided the sale or listing is performed under the real estate license laws of Colorado.
- **Retroactive/Prior Acts Coverage** covers you for prior transactions, provided you have maintained continuous real estate E&O insurance (from any provider) from of the date of the professional services to the date the claim arises.
- **New for 2023 Real Estate Team coverage** now included in the definition of insured for vicarious liability for covered claims.
- **Conformity for Other States that Require Real Estate E&O Insurance** (automatically included). If you are domiciled in Colorado and hold an active real estate license in Colorado and another mandated state that requires real estate E&O insurance, WUG will certify coverage directly to the other state where allowed. WUG will provide the necessary certification forms to you for all other states except for Alaska, Kentucky, or Tennessee due to their unique and specific requirements.
- **Territory** Licensees domiciled in Colorado are insured for real estate services performed anywhere they hold an active real estate license, provided the services would require a real estate license if performed in Colorado. Licensees not domiciled in Colorado are insured for Colorado transactions only. Out-of-state licensees may be considered domiciled in Colorado if their principal real estate license is affiliated with a real estate office in Colorado and they reside within 50 miles of the Colorado state line. Please see the Territory section of the policy for more information.

Optional Coverage Endorsements Available: (additional premiums may apply)

- **Additional Coverage's Endorsement (This endorsement is automatically included if you are an active member of CAR and provide your NRDS number). If you are not an active member of CAR this endorsement is available for an additional premium charge of \$40.00.** This endorsement includes:
 - Regulatory Complaints coverage subject to a \$7,500 aggregate limit for defense expenses.
 - Environmental coverage sublimit of \$20,000 per claim / \$40,000 aggregate (damages) including mold/fungi.
 - Increased Discrimination / Fair Housing limit to \$50,000 per claim / \$50,000 aggregate (damages).
 - Subpoena assistance coverage subject to a \$5,000 aggregate limit for all subpoena costs.
 - Coverage for the sale or listing for sale of Agent-Owned residential property, as defined in the endorsement, and subject to certain conditions.
 - Modified Defense and Settlement provisions.
- **Contingent Bodily Injury and Property Damage (\$25.00)** A sublimit of \$10,000 per claim / \$10,000 aggregate (damages & defense costs combined) for bodily injury and property damage claims that arise from professional services under certain conditions. A \$1,000 deductible applies.
- **Licensed Appraisal Endorsement. (See rates on Enrollment form)** Active Individual Real Estate Licensees (not firms), who are also Appraisers, may purchase this endorsement to cover their appraisal activities. If you do not hold an **active** real estate license, then you cannot purchase this endorsement and no appraisal coverage will apply. You must also maintain an active real estate license for the entire policy period for appraisal coverage to apply.

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- **Optional Extended Reporting Period Endorsement.** An Optional Extended Reporting Period Endorsement (ERP) is available to licensees who do not renew their coverage under this policy. This endorsement extends the time in which to report certain claims brought against the insured which occurred after the retroactive date (as listed on the insured's certificate of coverage or policy) and before the policy period ends. **New for 2023** – you now have the option to purchase a 1, 2, 3 or 5 year ERP endorsement, **for policies purchased for the 2023 policy term**, to extend the policy's reporting date to apply to claims that are first made and reported within that period. The ERP endorsement may be purchased at any time but no later than 90 days after the end of your individual policy period of January 1, 2024.

Policy Exclusions (What is and is Not Covered): All licensees should review the 2023 Sample policy, including the EXCLUSIONS section. A sample policy is available on our website www.wugioe.com or call us at 800-222-4035 to discuss the policy with one of our licensed insurance agents.

Other Services:

- **Certification of Coverage:** WUG will certify your 2023 renewal coverage directly to the Colorado Real Estate Commission but only if you have renewed coverage by January 31, 2023.
- **Online enrollment** with AMEX, Visa, MasterCard or Discover – www.wugioe.com. WUG assesses a \$5.00 convenience fee to enroll online. (This is in addition to and not included in the policy premium).

Firm Excess Policies- Subject to underwriting approval

Firm excess policies (written by Continental Casualty Company) are available to firms whose licensees are all insured through the group program. All of the firm's licensees must participate in the group program for the firm to qualify for an excess policy. Limits of Liability of up to \$1,000,000 per claim is available. To obtain additional information and an application, please contact WUG at 800-222-4035.

Important Notice: The following coverages are no longer available under the 2023 Real Estate E&O program.

- Unlicensed Assistants and Unlicensed Employees will not be covered for performing any Property Management Services as defined in the policy.
 - Personal Identity Theft Endorsement
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Not Renewing Coverage for 2023?

Your expiring policy with WUG is a **Claims Made Policy**. Licensees who elect not to maintain continuous coverage (due to retirement, failing to renew on time, putting your license on inactive status, etc.), may not have coverage for claims reported in the future for past real estate services, other than what is provided for in the 90-day limited extended reporting period included in the policy.

An Extended Reporting Period Endorsement (ERP) is available at a cost of 200% of the expiring annual premium including any additional endorsements purchased. This endorsement will protect an insured from covered claims reported in the future for past real estate services that occurred after the retroactive date (shown on the Certificate of Insurance) and before the policy expiration date of January 1, 2023. This endorsement does not extend the policy period. If you would like to purchase this endorsement, you must contact WUG at 800-222-4035 within 90 days of your policy expiration date of January 1, 2023. Payment must be received within the same 90-day period.

Timely Renewal:

Payment must be received by WUG no later than December 19, 2022, to guarantee certification to the Colorado Real Estate Commission before their deadline. Neither WUG nor the insurance company will be responsible for any delay in the issuance of a license or Certificate of Coverage where forms are received after December 19, 2022. All premiums are fully earned at the inception of the policy period (No Refunds).

Licensees who do not obtain insurance by January 31, 2023, will lose any previous established retroactive date (i.e., "prior acts" coverage). Your new retroactive date will be the 1st of the month in which your payment is received, coinciding with your effective date. **Further, if you do not renew your insurance on time, the Colorado Real Estate Commission may place your license on inactive status.**

Claim Reporting:

If you have any knowledge of a claim; potential claim; or any act, error, omission, fact, or situation that may give rise to a claim against you or your company, it must be reported in writing immediately to your current insurance carrier before your current policy period expires on January 1, 2023. Failure to do so may jeopardize any coverage that would have otherwise been available. Any claim under the policy must be reported to us in writing during the policy period in which it is first made against the insured. For further instructions and a notice of claim form, visit our website, www.wugioe.com or call us at 1-800-222-4035.

DISCLAIMER: Insurance underwritten, and coverage(s) provided by Continental Casualty Insurance Company ("CNA"). The descriptions herein are summaries only. They do not in any way amend any coverage(s) you may have purchased from CNA, and do not include all terms, conditions and/or exclusions of the policy described herein. Please refer to the actual policy for full terms, conditions, and exclusions and complete details of coverage(s).

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