

FIELD OWNERS ARE MAIN TARGETS OF SOFTBALL LAWSUITS

The frequency of lawsuits arising out of the play of softball continues to increase each year. Statistics show that the vast majority of these lawsuits target the field owner. Many of the suits allege: poor maintenance, negligent field design, improper installation, and failure to warn of hazards. All of these are the responsibility of the field owner. In most instances, injured participants are the parties who sue the field owner, however, injured spectators and members of the public also bring lawsuits against the field owner.

MAIN BASIS OF LAWSUITS: FIELD CONDITIONS

A comprehensive study of lawsuits involving bodily injury arising out of the practice and play of softball reveals that most of these allege improper field conditions*. Poor design and improper layout of the field is often cited, but the most common reason for injury is alleged to be poor upkeep and maintenance. Negligence is then attributed to the field owner, since, in many cases, the unsafe field conditions are easily correctable.

Field owners are therefore expected to maintain playing fields that meet minimum standards of safety and that do not cause or contribute to injury of players and spectators. Failure to do so is an open invitation to injury and lawsuits.

ASA's RISK MANAGEMENT PROGRAM: FIELD INSPECTIONS

Field Owners can best protect themselves from lawsuits by conducting regular inspections of their fields and the surrounding areas. Maintaining a written record of these inspections and of the corrective actions taken, will provide a solid defense in the event of a lawsuit.

ASA officials and ASA Registered Umpires can help with these inspections and be of invaluable assistance in maintaining safe, hazard-free field conditions.

MANDATORY FIELD INSPECTIONS: YOUR KEY TO SAFETY

All field owners covered under this liability insurance program will be required to conduct inspections of all insured fields and surrounding premises. Official inspection forms will be provided to field owners by Bollinger and ASA, and all field owners are required to keep written inspection forms on file. Not only should a thorough inspection be conducted at the beginning of the softball season, but also regular, routine inspections should be continued throughout the season to ensure that fields remain in safe, playable condition.

Non-compliance with these inspection procedures could result in termination of coverage. These inspection forms will provide the first line of defense against any and all injury claims and lawsuits and will help your facility provide a safer environment for all participants.

ASA's Field Owner's Insurance Plan

This plan is available to owners of fields on which ASA softball is played. Since coverage is in affect only when ASA teams are practicing or playing softball and their activities are authorized by the local ASA Association on those fields, the plan is offered only to field owners who require all teams to register with ASA.

GENERAL LIABILITY LIMITS:

\$5,000,000 per Occurrence (incl. Participants' Liability)
\$8,000,000 Aggregate per Location
\$2,000,000 Products/Completed Operations aggregate
\$2,000,000 Advertising/Personal Injury limit
\$2,000,000 Sexual Abuse liability per occurrence
\$2,000,000 Sexual Abuse liability aggregate
\$300,000 Fire Legal liability limit
\$10,000 Medical Payments (to non-participants)
\$0 Deductible

Liability Insurance Policy Exclusions: In addition to the usual exclusions in the standard Commercial General Liability policy, there is no coverage for furnishing, serving or selling any alcoholic beverage, nor for the acts of intoxicated persons.

CHOOSE FROM TWO PLAN OPTIONS

Plan A

WAIVERS REQUIRED Under this plan, ALL players are required to sign an approved Waiver and Release Form. In the case of Junior Olympic (youth) players, a parental waiver is required. For lawsuits brought against the field owner by a player, coverage is provided only if that player has signed a waiver. **No coverage is provided for lawsuits brought by players who have not signed waivers. Signed waivers must be kept on file by the field owner for a minimum of three years.** In the event of a claim, the field owner must supply a copy of the signed waiver with the claim report. One premium covers all fields owned by the field owner.

Cost of Plan A: \$300

Plan B

WAIVERS OPTIONAL For those field owners who are unable to obtain signed waivers from ALL players, this plan will provide coverage for all player lawsuits, regardless of whether or not the player has signed a waiver. We strongly recommend that the field owner obtain signed waivers from as many players as possible for his or her own protection. Waivers have been proven to be a deterrent against frivolous lawsuits. One premium covers all fields owned by the field owner.

Cost of Plan B: \$1,100

Note: Lawsuits brought by spectators or bystanders against the field owner are covered according to the terms of the policy under both Plan A and Plan B.

Important: Only Field Owners and Long Term Lessees can purchase this coverage. It is not available to teams and leagues. To insure team activities, you must purchase the **2010 ASA Team Insurance Plan.**

2010 FIELD OWNERS INSURANCE PLAN ENROLLMENT FORM

Name of Field Owner _____
Street _____
City _____
State _____
Zip _____
Phone _____
Fax _____
Email _____
Your Title _____

Please answer each question below.

- This enrollment form is (check one):
 New Application Renewal Application
- You (the purchaser) are the (check one):
 Actual Field Owner Long Term Lessee
(attach copy of lease)
- Number of Fields to be covered _____
- Your ASA Commissioner _____
- Select the plan you are purchasing (check one):
 Plan A **Waivers Required -- Cost \$300.**
(Waiver forms must be kept on file by field owner)
 Plan B **Waivers Optional -- Cost \$1,100.**

Signature _____
By signing this application, I hereby verify that the information provided herein is true and correct, and agree to conduct field inspections, as required. I also affirm that I am purchasing this coverage as, or on behalf of, a Field Owner, and not for a Team or League.

Important: This liability insurance program only provides coverage for claims involving teams registered with the ASA for the 2010 season. Therefore, field owners must require that teams using their fields be registered with ASA for 2010.

Make your check payable to **Bollinger** and mail to:
Bollinger, ASA Insurance Plans, PO Box 390,
101 JFK Parkway,
Short Hills, NJ 07078-0390
Web site: www.BollingerASA.com

BENEFITS TO FIELD OWNERS

Upon receipt of your enrollment form and valid check (this coverage is not available by credit card payment), a certificate of insurance will be sent to your local ASA commissioner, who will then forward it on to you. This will provide you, the field owner, with \$5,000,000 of liability insurance protection for claims arising out of the practice and play of softball by teams, leagues and umpires registered with ASA for 2010 (subject to the waiver form requirement, if you choose that option). You will also receive our risk management kit, including safety and maintenance guidelines, pre-game checklists, field inspection guidelines and waiver forms.

Alternative Plan for Field Owner Liability Coverage

An alternative plan is available to provide \$5,000,000 of liability insurance to field owners. This optional plan has two distinct advantages:

1. No cost to the field owner.
2. No waivers are required.

To obtain this coverage, the field owner must require that all ASA teams utilizing the fields purchase ASA Team Liability Insurance and then list the field owner as an additional insured on the team's or league's liability policy.

The ASA Team Insurance is available for purchase on-line on the ASA Insurance & Risk Management web site:

www.BollingerASA.com

HELPS IN OTHER WAYS

ASA's objectives for the Field Owners Insurance Plan are:

- 1) To protect the field owner with a solid insurance program in the event of a lawsuit.
- 2) To prevent and deter lawsuits from happening by offering a risk management program for each field owner.

The risk management program is comprised of:

- General Safety & Maintenance Guidelines for your fields
- Pre-Game Safety Checklist
- Player Waiver and Release Forms
- Guidelines for Mandatory Field Inspections

This brochure provides a summary of available insurance coverages. This brochure is not an insurance policy. Please read the actual insurance policy issued, together with its declarations page and any endorsements for a complete recitation of the terms, conditions, and exclusions of the policy of insurance. The policies are subject to the laws of the jurisdiction in which they are issued

FOR FURTHER INFORMATION ON
ASA INSURANCE PLANS,
CONTACT:



Bollinger
ASA Insurance Plans
PO Box 390, 101 JFK Parkway
Short Hills, NJ 07078-0390

Phone: 1-800-526-1379
Fax: 1-973-921-2876
E-mail: ASAinfo@BollingerInsurance.com
Web Site: www.BollingerASA.com

Bollinger is licensed in all 50 states.
Bollinger's California License # is 0274666

For information on affiliation with ASA, contact:

Amateur Softball Association of
America/USA Softball

2801 NE 50th Street
Oklahoma City, OK 73111
Ph: 1-405-424-5266
Fax: 1-405-424-3855
Web: www.ASASoftball.com

Liability Insurance Plan Underwritten by:
Markel Insurance Company
Rated A by A.M. Best.

Excess Liability Insurance Plan Underwritten by:
Everest National Insurance Company
Rated A+ by A.M. Best

2010 ASA FIELD OWNERS LIABILITY PLAN

This exclusive ASA Liability
Insurance Plan
is designed for:

- Municipalities & Counties
- Parks & Recreation
Departments
- Schools & Colleges
- Private Sports Complexes

Bollinger
Insurance Solutions
Insuring the ASA since 1963!

