

ACORD 855 NY (2014/05) - New York Construction Certificate of Liability Insurance Addendum

ACORD 855 NY, New York Construction Certificate of Liability Insurance Addendum, may be used to supplement ACORD 25, Certificate of Liability Insurance, in the state of New York, to provide more information about the policy's coverage when required by the certificate holder. It is not intended to answer specific coverage questions, but merely to indicate areas of coverage where the solicitation of more details may be expedient (e.g., examination of the actual policy forms).

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Section Name	Field Name	Description
IDENTIFICATION SECTION	Agency Customer ID	Enter identifier: The customer's identification number assigned by the producer (e.g., agency or brokerage).
IDENTIFICATION SECTION	Date	Enter date: The date on which the form is completed. (MM/DD/YYYY)
IDENTIFICATION SECTION	Agency	Enter text: The full name of the producer / agency.
IDENTIFICATION SECTION	Policy Number	Enter identifier: The identifier assigned by the insurer to the policy, or submission, being referenced exactly as it appears on the policy, including prefix and suffix symbols. If required for self-insurance, the self-insured license or contract number.
IDENTIFICATION SECTION	Effective Date	Enter date: The effective date of the policy. The date that the terms and conditions of the policy commence. (MM/DD/YYYY)
IDENTIFICATION SECTION	Named Insured(s)	Enter text: The named insured(s) as it / they will appear on the policy declarations page.
IDENTIFICATION SECTION	Carrier	Enter text: The insurer's full legal company name(s) as found in the file copy of the policy. Use the actual name of the company within the group to which the policy has been issued. This is not the insurer's group name or trade name.
IDENTIFICATION SECTION	NAIC Code	Enter code: The identification code assigned to the insurer by the NAIC.
ADDENDUM INFORMATION	Certificate Number	Enter identifier: The producer assigned number for the certificate.
ADDENDUM INFORMATION	Revision Number	Enter number: The producer assigned revision number for the certificate.
ADDENDUM INFORMATION	A. Insurer - Admitted / Authorized (check box)	Check the box (if applicable): Indicates that this is a group of insurers that is admitted or authorized in the state of New York.

ADDENDUM INFORMATION	Excess Line or Free Trade Zone (check box)	<p>Check the box (if applicable): Indicates that this a group of insurers (known as surplus lines in other states) that are not authorized in the state of New York, but are included on the stamping list of approved unauthorized insurers maintained by the Excess Line Association of New York. The coverage implications are that these insurers are exempt from filing their rate and forms with the Department of Financial Services. Significant variance in the language of forms and endorsements should be expected with these policies. In addition, policies written by unauthorized insurers are not afforded by the insolvency protection of the Property / Casualty Insurance Security Fund.</p> <p>Free Trade Zone refers to regulatory exemptions for "special risks" that may be written by authorized insurers having a special FTZ license. FTZ provisions allow these insurers an exemption from rate and form filing requirements so they may effectively compete with excess line insurers in the "special risks" market. They are authorized insurers, so the Property / Casualty Insurance Security Fund is applicable to policies written by them.</p>
ADDENDUM INFORMATION	B. General Liability (GL) Policy Form - ISO / ISO Modified (check box)	<p>Check the box (if applicable): Indicates that the Insurance Service Office, Inc develops standard insurance forms for use by its member insurers. The ISO CG 00 01 Commercial General Liability Coverage Form is often used to insure construction risks. With access to the list of forms on the declarations, the extent of coverage can be determined from these standard forms, which are generally available from policyholders and industry representatives. Another benefit in using standard forms is that the language has undergone years of judicial interpretation, which gives the determination of coverage more certainty. However, it is not uncommon for insurers to modify the basic ISO CGL form with language preferred by the insurer.</p>
ADDENDUM INFORMATION	Other (check box)	<p>Check the box (if applicable): Indicates that insurers have filed proprietary forms of their own, which makes comparisons with standard forms more difficult and language interpretation less certain.</p>

ADDENDUM INFORMATION	C. Specific Operations Excluded or Restricted (GL Policy) - Location (check box)	<p>Check the box (if applicable): Indicates that specific operations are excluded or restricted on the GL policy. While the unendorsed ISO CG 00 01 Commercial General Liability Coverage Form does not limit its coverage to any specific location, three standard ISO endorsements exist that can be used to restrict coverage by location:</p> <p>CG 21 00 Exclusion - All Hazards In Connection With Designated Premises This endorsement allows the insurer to describe a location of premises where coverage is excluded. For example it may exclude all work conducted in New York City.</p> <p>CG 21 34 Exclusion - Designated Work This endorsement excludes the completed operations liability exposure for work shown in the schedule, which could be a project or designated work at a specific location. More likely, it would exclude work of a specific type and/or during a specific time period. Ongoing operations remain covered.</p> <p>CG 21 53 Exclusion - Designated Ongoing Operations This endorsement excludes the ongoing operations liability exposure of a specific type. The excluded operation also can be specific to a location. Completed operations remain covered.</p> <p>Nonstandard endorsements may restrict coverage to a specific location eliminating all others.</p>
ADDENDUM INFORMATION	Location	Enter text: The specific description of the location being excluded if applicable or indicate if the location is for a project or designated work at a specific location.
ADDENDUM INFORMATION	Type of Construction (check box)	Check the box (if applicable): Indicates that the specific operations are excluded or restricted by type of construction on a GL policy. However, there is no standard endorsement for this purpose. While the unendorsed ISO CG 00 01 Commercial General Liability Coverage Form does not limit its coverage to any specific type of construction, nonstandard endorsements may designate residential, single-family, apartment, condominium, townhome, track home, habitational or commercial construction as restricted or excluded.
ADDENDUM INFORMATION	Type of Construction	Enter text: The description of the building's occupancy. As used here, indicates the type of construction and indicates the location is occupied as either a residential, single family, apartment, condominium, townhouse, track home, habitational or commercial structure.
ADDENDUM INFORMATION	Building Height (check box)	Check the box (if applicable): Indicates that the specific operations are excluded or restricted by type of building height on a GL policy. However, there is no standard endorsement for this purpose. While the unendorsed ISO CG 00 01 Commercial General Liability Coverage Form does not limit its coverage to any specific building height, nonstandard endorsements may designate the number of floors / stories that are either covered or excluded.
ADDENDUM INFORMATION	Building Height	Enter number: The number of stories or floors for this building not including any basement.
ADDENDUM INFORMATION	Classifications (check box)	Check the box (if applicable): Indicates that the specific operations are excluded or restricted by type of classifications on a GL policy. However, there is no standard endorsement for this purpose. While the unendorsed ISO CG 00 01 Commercial General Liability Coverage Form does not limit its coverage to any specific risk classification, nonstandard endorsements may designate specific classifications as either covered or excluded.

ADDENDUM INFORMATION	Designated Work (check box)	<p>Check the box (if applicable): Indicates that the specific operations are excluded or restricted by designated work on a GL policy. While the unendorsed ISO CG 00 01 Commercial General Liability Coverage Form does not limit its coverage to any specific work designation, three standard ISO endorsements exist that can be used to restrict coverage by designated work:</p> <p>CG 21 34 Exclusion - Designated Work This endorsement excludes the completed operation liability exposure for designated work shown in the schedule. Ongoing operations remain covered.</p> <p>CG 21 53 Exclusion - Designated Ongoing Operations This endorsement excludes the ongoing operations liability exposure of a specific type. The excluded operation also can be specific to a location. Completed operations remain covered.</p> <p>CG 21 86 Exclusion - Exterior Insulation and Finish Systems This endorsement excludes the ongoing operations and products / completed operations liability exposures that arise from the presence of EIFS-clad exterior work or products.</p> <p>Nonstandard endorsements may designate specific work or operations as either covered or excluded.</p>
ADDENDUM INFORMATION	D. Additional Insured Endorsement (GL Policy) - CG 20 10 (check box)	<p>Check the box (if applicable): Indicates the CG 20 10 Additional Insured - Owners, Lessees Or Contractors - Scheduled Person Or Organization endorsement is requested. The current edition of the endorsement insures as an additional insured in the described person or organization or "ongoing operations" of the named insured performed for the additional insured. For example, a subcontractor's policy could name the general contractor as an additional insured.</p>
ADDENDUM INFORMATION	CG 20 26 (check box)	<p>Check the box (if applicable): Indicates the CG 20 26 Additional Insured - Designated Person Or Organization endorsement is requested. The current edition of this endorsement insures as an additional insured the described person or organization for the named insured's 1) performance of "ongoing operations" and 2) premises exposures. The covered "ongoing operations" do not necessarily have to be performed for the additional insured.</p>
ADDENDUM INFORMATION	CG 20 32 (check box)	<p>Check the box (if applicable): Indicates the CG 20 32 Additional Insured - Engineers, Architects Or Surveyors Not Engaged By The Named Insured endorsement is requested. The current edition of this endorsement insures as an additional insured the described engineer, architect or surveyor for the named insured's performance of "ongoing operations." This coverage applies when the named insured is obligated by contract to add the engineer, architect or surveyor on the policy, but has not actually engaged their work. The CG 20 07 would be used when the engineer, architect or surveyor is engaged by the named insured to do the work.</p>
ADDENDUM INFORMATION	CG 20 33 (check box)	<p>Check the box (if applicable): Indicates the CG 20 33 Additional Insured - Owners, Lessees Or Contractors - Automatic Status When Required In Construction Agreement With You endorsement is requested. The current edition of this endorsement insures as an additional insured for any person or organization for "ongoing operations" of the named insured performed for the additional insured. However, this automatic coverage requires a written agreement obligating the named insured to add the additional insured on the policy.</p>

ADDENDUM INFORMATION	CG 20 37 (check box)	Check the box (if applicable): Indicates the CG 20 38 Additional Insured - Owners, Lessees Or Contractors - Completed Operations endorsement is requested. The current edition of this endorsement insures as an additional insured the described person or organization for "completed operations," resulting from work (described by location) the named insured performed for the additional insured. This endorsement can restore the "completed operations" coverage that previously was included in the 1985 edition of the CG 20 10 endorsement.
ADDENDUM INFORMATION	CG 20 38 (check box)	Check the box (if applicable): Indicates the CG 20 38 Additional Insured - Owners, Lessees Or Contractors - Automatic Status For Other Parties When Required In Written Construction Agreement endorsement is requested. The current edition of the endorsement insures as an additional insured any person or organization for "ongoing operations" of the named insured performed for the additional insured. Unlike the CG 20 33 endorsement, this endorsement also provides additional insured status to all parties the named insured agrees in writing to insure.
ADDENDUM INFORMATION	Other (check box)	Check the box (if applicable): Indicates an endorsement other than those listed has been selected.
ADDENDUM INFORMATION	Endorsement Number	Enter identifier: The number of the other Additional Insured endorsement.
ADDENDUM INFORMATION	Endorsement Title	Enter text: The full title name of the other Additional Insured endorsement.
ADDENDUM INFORMATION	E. According to the terms of this GL policy, the additional insured has primary and noncontributory coverage - Yes (check box)	<p>Check the box (if applicable): Indicates the additional insured on the policy has primary and noncontributory coverage. The typical general liability policy (for example, the ISO CG 00 01 Commercial General Liability Coverage Form) provides primary coverage to insureds, except when the coverage is specifically stated as excess in the Other Insurance provision of the policy. However, this primary coverage will contribute (i.e., share) with any other coverage available to the insured on the same primary basis. For example, since the general contractor typically has primary general liability coverage as a named insured, that policy would share the loss with the policy providing the general contractor coverage as an additional insured.</p> <p>ISO provided a solution in 1996 to prevent contribution between the two policies by adding language to the Other Insurance provision that would make the general contractor's policy excess over the policy that insures the general contractor as an additional insured. Nevertheless since the subcontractor's producer is not privy to the policy terms on the general contractor's policy, it would be reckless of the producer to warrant that coverage would NOT be shared (i.e., noncontributory).</p> <p>Consequently, ISO provided an alternate solution with its optional Primary and Noncontributory - Other Insurance Condition endorsement (CG 20 01). Insurers may adopt this endorsement filing in New York effective April 1, 2013. The endorsement states that the (subcontractor's) insurer will not seek contribution from the policy of the additional insured (general contractor). However the endorsement requires that there be an underlying written contract or agreement stating that the (subcontractor's) coverage for the additional insured (general contractor) must be primary and noncontributory. When the endorsement is added to the policy, the certificate unequivocally can state that coverage is "primary and noncontributory."</p> <p>There have been non standard endorsements in use prior to ISO's introduction of the CG 20 01 endorsement so watch for these forms, observing the variance in language.</p>

ADDENDUM INFORMATION	No and (check box)	Check the box (if applicable): According to the terms of the GL policy, indicates the additional insured on the policy does not have primary and noncontributory coverage.
ADDENDUM INFORMATION	No other option available with this insurer (check box)	Check the box (if applicable): According to the terms of the GL policy, indicates the additional insured on the policy does not have primary and noncontributory coverage and that no other option is available with this insurer.
ADDENDUM INFORMATION	F. Additional insured will receive advance notice if insurer cancels (GL policy) - Yes (check box)	Check the box (if applicable): Indicates the additional insured will receive advance notice if the insurer cancels the GL policy. There is no standard endorsement for this purpose. Some insurers will provide notice using nonstandard endorsements, but this is rare. Even if such endorsement is available, it may not provide notice resulting from nonpayment of premium or cancellation by the policyholder.
ADDENDUM INFORMATION	No and (check box)	Check the box (if applicable): Indicates the additional insured will not receive advance notice if the insurer cancels the GL policy.
ADDENDUM INFORMATION	No other option available with this insurer (check box)	Check the box (if applicable): Indicates that the additional insured will not receive advanced notice if the insured cancels the GL policy and no other option is available from this insurer.
ADDENDUM INFORMATION	G. Blanket contractual liability located in the "insured contract" definition (Section V, Number 9, Item f. in the ISO CGL policy) is removed or restricted - Yes (check box)	<p>Check the box (if applicable): Indicates the blanket contractual liability located in the "insured contract" definition (Section V, Number 9, Item f. in the ISO CGL policy) is removed or restricted.</p> <p>Item f. of the "insured contract" definition in the ISO CG 00 01 Commercial General Liability Coverage Form is a good example of what is meant by blanket contractual liability. It reads as follows:</p> <p>That part of any other contract or agreement pertaining to your business (including an indemnification of a municipality in connection with work performed for a municipality) under which you assume the tort liability of another party to pay for "bodily injury" or "property damage" to a third person or organization. Tort liability means a liability that would be imposed by law in the absence of any contract or agreement.</p> <p>This is an important policy provision that will, for example, insure a subcontractor's indemnification of a general contractor. ISO has a standard CG 21 39 Contractual Liability Limitation endorsement that can be used for the removal of Item f. in the "insured contract" definition. If removed, there will be no coverage to back up the indemnification agreement.</p> <p>While the ISO CG 24 26 Amendment Of Insured Contract Definition endorsement may routinely be attached to a policy in order to exclude coverage for the sole negligence of an indemnitee, it has no relevance in New York where General Obligations Law Section 5-322.1 makes such indemnification unenforceable.</p>
ADDENDUM INFORMATION	No other optional available with this insurer (check box)	Check the box (if applicable): Indicates that the blanket contractual liability located in the "insured contract" definition (Section V, Number 9, Item f. in the ISO CGL policy) is removed or restricted and no other option is available with this insurer.

ADDENDUM INFORMATION	No changes made (check box)	Check the box (if applicable): Indicates that no changes are made to the policy regarding blanket contractual liability located in the "insured contract" definition (Section V, Number 9, Item f.) in the ISO CG 00 01.
ADDENDUM INFORMATION	H. "Insured contract" exception to the employers liability exclusion is removed or modified (GL policy) - Yes and (check box)	<p>Check the box (if applicable): Indicates the "insured contract" exception to the employer's liability exclusion is removed or modified (GL policy).</p> <p>While suits by injured employees against the named insured [employer] are excluded (WC is the exclusive remedy), the exception in the ISO CG 00 01 Commercial General Liability Coverage Form affords "insured contract" coverage when the injured employee, for example, sues the general contractor and the named insured [employer] has indemnified the general contractor for such suits.</p> <p>While there is no standard endorsement that removes or modifies this exception to the employer's liability exclusion, some insurers have made use of policy wording or nonstandard endorsements to eliminate this coverage.</p>
ADDENDUM INFORMATION	No other option is available with this insurer (check box)	Check the box (if applicable): Indicates the "insured contract" exception to the employer's liability exclusion is removed or modified on the GL policy and no other option is available with this insurer.
ADDENDUM INFORMATION	No changes made (check box)	Check the box (if applicable): Indicates that no changes were made to the "insured contract" exception to the employer's liability exclusion on the ISO CG 00 01.
ADDENDUM INFORMATION	I. GL policy (including endorsements) does not cover the additional insured for claims involving injury to employees of the named insured or subcontractors (not workers' compensation) - Yes and (check box)	<p>Check the box (if applicable): Indicates the GL policy (including endorsements) does not cover the additional insured for claims involving injury to employees of the named insured or subcontractors (not workers' compensation).</p> <p>The ISO CG 00 01 Commercial General Liability Coverage Form and ISO Additional Insured endorsements do not exclude suits by an injured employee against an insured who is not the employer. While there is no standard endorsement that eliminates coverage for an additional insured when suits are made by employees of the named insured, insurers have used policy wording or nonstandard endorsements for this purpose.</p> <p>For example, simply changing the wording of the employer's liability exclusion from "employees of the insured" to "employees of any insured" will preclude coverage for all insureds, whether the injured person is employed by that insured or not. When a general contractor is an additional insured, the modified exclusion prevents the subcontractor's policy from insuring the general contractor for injuries to employees of the subcontractor.</p>
ADDENDUM INFORMATION	No other option is available with this insurer (check box)	Check the box (if applicable): Indicates that the GL policy (including endorsements) does not cover the additional insured for claims involving injury to employees of the named insured or subcontractors (not workers' compensation) and no other option is available with this insurer.
ADDENDUM INFORMATION	No changes made (check box)	Check the box (if applicable): Indicates that no changes were made to the GL policy (including endorsements) regarding additional insured coverage for claims involving injury to employees of the named insured or subcontractors.

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Section Name	Field Name	Description
IDENTIFICATION SECTION	Agency Customer ID	Enter identifier: The customer's identification number assigned by the producer (e.g., agency or brokerage).
ADDENDUM INFORMATION (continued)	J. Earth movement, excavation or explosion / collapse / underground property damage is excluded or restricted (GL policy) - Yes and (check box)	<p>Check the box (if applicable): Indicates that earth movement, excavation or explosion / collapse / underground property damage is excluded or restricted on the GL policy.</p> <p>While the unendorsed ISO CG 00 01 Commercial General Liability Coverage Form has no restriction applicable to earth movement, excavation, explosion (blasting), collapse or underground property hazards, two standard ISO endorsements exist that can be used to modify this coverage:</p> <p>CG 21 42 Exclusion – Explosion, Collapse And Underground Property Damage Hazard (Specified Operations) This endorsement allows the insurer to exclude ongoing operations for specific hazards (i.e., “collapse hazard”; “explosion hazard”; and/or “underground property damage hazard”) by location and/or operations designated on the endorsement.</p> <p>CG 21 43 Exclusion – Explosion, Collapse And Underground Property Damage Hazard (Specified Operations Excepted) This endorsement allows the insurer to exclude ongoing operations for all three specific hazards (i.e., “collapse hazard”; “explosion hazard”; and “underground property damage hazard”), except the specific hazard(s) included in operations and/or locations designated on the endorsement.</p> <p>Nonstandard endorsements may reference excluded hazards, such as, earth movement, subsidence or excavation.</p>
ADDENDUM INFORMATION (continued)	No other option is available with this insurer (check box)	Check the box (if applicable): Indicates that earth movement, excavation or explosion / collapse / underground property damage is excluded or restricted on a GL policy and no other option is available with this insurer.
ADDENDUM INFORMATION (continued)	No changes made (check box)	Check the box (if applicable): Indicates that no changes have been made to the GL policy regarding earth movement, excavation or explosion / collapse or underground property damage.

<p>ADDENDUM INFORMATION (continued)</p>	<p>K. Insured vs. insured suits (cross liability in the ISO CGL policy) are excluded or restricted (other than named insured vs. named insured) - Yes and (check box)</p>	<p>Check the box (if applicable): Indicates that insured vs. insured suits (cross liability in the ISO CGL policy) are excluded or restricted (other than named insured vs. named insured).</p> <p>General liability policies typically cover more than one person or entity, consisting of named insureds, automatically defined insureds and additional insureds. Cross liability refers to one insured's suit against another insured.</p> <p>Coverage for cross liability suits among insureds can be impacted by several provisions located in different parts of the policy. The ISO CG 00 01 Commercial General Liability Coverage Form includes the following condition that opens the coverage door to cross liability suits between insureds:</p> <p>7. Separation Of Insureds Except with respect to the Limits of Insurance, and any rights or duties specifically assigned in this Coverage Part to the First Named Insured, this insurance applies: a. As if each Named Insured were the only Named Insured; and b. Separately to each insured against whom claim is made or "suit" is brought.</p> <p>Subject to other policy provisions, it is here we find the policy is applied so every insured enjoys the same coverage it would have had if a separate policy had been issued for that insured (except with respect to the limits). If there is no other restrictive wording, an additional insured would be covered for a suit by an employee of the named insured (who is a defined insured in the policy).</p> <p>While there is no standard endorsement to remove coverage for an additional insured sued by an employee of the named insured, some insurers have made use of nonstandard endorsements to restrict cross liability suits.</p>
<p>ADDENDUM INFORMATION (continued)</p>	<p>No other option is available with this insurer (check box)</p>	<p>Check the box (if applicable): Indicates that insured vs. insured suits (cross liability in the ISO CGL Policy) are excluded or restricted (other than named insured vs. named insured) and no other option is available with this insurer.</p>
<p>ADDENDUM INFORMATION (continued)</p>	<p>No changes made (check box)</p>	<p>Check the box (if applicable): Indicates that no changes have been made to the ISO CGL policy regarding insured vs. insured suits.</p>

<p>ADDENDUM INFORMATION (continued)</p>	<p>L. Property damage to work performed by subcontractors (exception to the "damage to your work" exclusion in the ISO CGL policy) is excluded or restricted - Yes and (check box)</p>	<p>Check the box (if applicable): Indicates that property damage to work performed by subcontractors (exception to the "damage to your work " exclusion in the ISO CGL policy) is excluded or restricted.</p> <p>The following exception to the Damage To Your Work exclusion appears in the ISO CG 00 01 Commercial General Liability Coverage Form:</p> <p>This exclusion does not apply if the damaged work or the work out of which the damage arises was performed on your behalf by a subcontractor.</p> <p>Because of this exception, the exclusion for property damage arising from completed operations applies only to work performed by the named insured, and when such work results in the property damage. Two standard ISO endorsements exist that can be used to modify this coverage:</p> <p>CG 22 94 Exclusion – Damage To Work Performed By Subcontractors On Your Behalf This endorsement removes the exception to the Damage To Your Work exclusion, eliminating coverage for the entire work, whether performed by the named insured or not.</p> <p>CG 22 95 Exclusion – Damage To Work Performed By Subcontractors On Your Behalf – Designated Sites Or Operations As the title of this endorsement suggests, it allows underwriting flexibility by targeting the removal of the exception to designated sites or operations.</p> <p>Also, note that coverage is excluded in the Damage To Property exclusion for property damaged while being worked on. Some of this exposure can be insured with a Builders Risk policy.</p>
<p>ADDENDUM INFORMATION (continued)</p>	<p>No other option is available with this insurer (check box)</p>	<p>Check the box (if applicable): Indicates that property damage to work performed by subcontractors (exception to the "damage to your work" exclusion on the ISO CGL policy) is excluded or restricted and no other option is available with this insurer.</p>
<p>ADDENDUM INFORMATION (continued)</p>	<p>No changes made (check box)</p>	<p>Check the box (if applicable): Indicates that no changes have been made to the ISO CGL policy regarding property damage to work performed by subcontractors.</p>

ADDENDUM INFORMATION (continued)	M. Excess / umbrella policy is primary and non-contributory for additional insureds - Yes by specific policy provision (check box)	<p>Check the box (if applicable): Indicates the excess / umbrella policy is primary and noncontributory for additional insureds by specific policy provision.</p> <p>True follow form excess / umbrella policies are extremely rare, so care should be taken to examine the provisions of these policies.</p> <p>The issue of primary and noncontributory coverage takes on a more complex dimension with regard to excess / umbrella policies because of the additional insured's access to multiple policies at different levels of priority.</p> <p>"Vertical Exhaustion" establishes coverage priority for the additional insured in such a way as to require the exhaustion of primary and excess policies purchased by the [downstream] subcontractor before any policies purchased by the [upstream] general contractor respond with payment.</p> <p>"Horizontal Exhaustion" establishes coverage priority for the additional insured in such a way as to require the exhaustion of all primary policies available to the [upstream] general contractor before the excess policy purchased by the [downstream] subcontractor responds with payment.</p> <p>New York courts do not use the actual terms "vertical" or "horizontal" exhaustion, but refer to these issues as "priority of coverage" and rely on the "Other Insurance" clauses contained in policies to resolve priority issues. Therefore, close examination of these clauses is essential.</p>
ADDENDUM INFORMATION (continued)	Yes by endorsement (check box)	<p>Check the box (if applicable): Indicates that the excess / umbrella policy is primary and noncontributory for additional insureds by endorsement.</p>
ADDENDUM INFORMATION (continued)	No and (check box)	<p>Check the box (if applicable): Indicates that the excess / umbrella policy is not primary and noncontributory for additional insureds.</p>
ADDENDUM INFORMATION (continued)	No other option is available with this insurer (check box)	<p>Check the box (if applicable): Indicates that the excess / umbrella policy is not primary and noncontributory for additional insureds and no other option is available with this insurer.</p>
SIGNATURE	Authorized Representative Signature	<p>Sign here: Accommodates the signature of the authorized representative (e.g., producer, agent, broker, etc.) of the company(ies) listed on the document. This is required in most states.</p>
SIGNATURE	Date	<p>Enter date: The date the producer signed the form.</p>