

2100 Miscellaneous Provisions

2101 Marine and Transportation Insurance, Amplified Definition [Formerly Regulation 32]

1.0 Authority

- 1.1 This Regulation is adopted and promulgated pursuant to 18 **Del.C.** §§313, 314, and 29 **Del.C.** §§6411 through 6418.

2.0 Purpose

- 2.1 This Regulation is designed to enumerate the various risks and coverages which may properly be classified or identified under 18 **Del.C.** §907, ..."Marine and transportation,' 'wet marine,' insurance defined." This Regulation is to be read in conjunction with 18 **Del.C.** §907, and the definition included herein should not be construed as meaning that the listed risks and coverages are solely marine transportation in all instances. Certain insurance coverages may come within definitions of two or more kinds of insurance (as set forth in 18 **Del.C.** Ch. 9) and the inclusion of such coverage within one definition does not exclude it as to any other kind of insurance within which such coverage is reasonably includable. 18 **Del.C.** §901.
- 2.2 The definition utilized is essentially the 1976 Revised Nation-Wide Marine Definition as adopted by the National Association of Insurance Commissioners.
- 2.3 The use of the definition provides more specificity to insurance companies as to those risks and coverages subject to rate filing under 18 **Del.C.** §2502(a)(3).

3.0 Marine and Transportation, Amplified Definition

- 3.1 Marine and/or transportation policies may cover under the following conditions:

3.1.1 Imports

- 3.1.1.1 Imports may be covered wherever the property may be and without restriction as to time, provided the coverage of the issuing companies includes hazards of transportation.
- 3.1.1.2 An import, as a proper subject, of marine or transportation insurance, shall be deemed to maintain its character as such, so long as the property remains segregated in such a way that it can be identified and has not become incorporated and mixed with the general mass of property in the United States, and shall be deemed to have been completed when such property has been:
- 3.1.1.2.1 sold and delivered by the importer, factor or consignee; or
- 3.1.1.2.2 removed from place of storage and placed on sale as part of importer's stock in trade at a point of sale-distribution; or
- 3.1.1.2.3 delivered for manufacture, processing or change in form to premises of the importer or of another used for any such purposes.

3.1.2 Exports

- 3.1.2.1 Exports may be covered wherever the property may be without restriction as to time, provided the coverage of the issuing companies includes hazards of transportation.
- 3.1.2.2 An export, as a proper subject of marine or transportation insurance, shall be deemed to acquire its character as such when designated or while being prepared for export and retain that character unless diverted for domestic trade, and when so diverted, the provisions of this Ruling respecting domestic shipments shall apply, provided, however, that this provision shall not apply to long established methods of insuring certain commodities, e.g., cotton.

3.1.3 Domestic Shipments

- 3.1.3.1 Domestic shipments on consignment, [provided the coverage of the issuing companies includes hazards of transportation] for sale or distribution, exhibit, or trial, or approval or

- auction, while in transit, while in the custody of others and while being returned, provided that in no event shall the policy cover on premises owned, leased or operated by the consignor.
- 3.1.3.2 Domestic shipments not on consignment, provided the coverage of the issuing companies includes hazards of transportation, beginning and ending within the United States, provided that such shipments shall not be covered at manufacturing premises nor after arrival at premises owned, leased or operated by Assured or purchaser.
- 3.1.4 Bridges, Tunnels and Other Instrumentalities of Transportation and Communication (excluding buildings, their improvements and betterments, furniture and furnishings, fixed contents and supplies held in storage)
- 3.1.4.1 The foregoing includes:
- 3.1.4.1.1 Bridges, tunnels, other similar instrumentalities, including auxiliary facilities and equipment attendant thereto, unless fire, tornado, sprinkler leakage, hail, explosion, earthquake, riot and/or civil commotion are the only hazards to be covered.
- 3.1.4.1.2 Piers, wharves, docks, slips, excluding the risks of fire, tornado, sprinkler leakage, hail, explosion, earthquake, riot and/or civil commotion.
- 3.1.4.1.3 Other aids to navigation and transportation, including dry docks and marine railways.
- 3.1.4.1.4 Pipelines, including on-line propulsion, regulating and other equipment appurtenant to such pipelines, but excluding an property at manufacturing, producing, refining, converting, treating or conditioning plants.
- 3.1.4.1.5 Power transmission and Telephone and Telegraph lines, excluding all property at generating, converting or transforming stations, substations and exchanges.
- 3.1.4.1.6 Radio and Television Communication-Equipment in use as such including towers and antennae with auxiliary equipment, and appurtenant electrical operating and control apparatus.
- 3.1.4.1.7 Outdoor cranes, loading bridges and similar equipment used to load, unload and transport.
- 3.1.5 Personal Property Floater Risks covering individuals and/or generally
- 3.1.5.1 Personal Effects Floater Policies.
- 3.1.5.2 The Personal Property Floater.
- 3.1.5.3 Government Service Floaters.
- 3.1.5.4 Personal Fur Floaters.
- 3.1.5.5 Personal Jewelry Floaters.
- 3.1.5.6 Wedding Present Floaters for not exceeding 90 (ninety) days after the day of the wedding.
- 3.1.5.7 Silverware Floaters.
- 3.1.5.8 Fine Arts Floaters covering paintings, etchings, pictures, tapestries, art glass windows, and other bonafide works of art of rarity, historical value or artistic merit.
- 3.1.5.9 Stamp and Coin Floaters.
- 3.1.5.10 Musical Instrument Floaters, Radios, televisions, record players and combinations thereof are not deemed musical instruments.
- 3.1.5.11 Mobile Articles, Machinery and Equipment Floaters (excluding motor vehicles designed for highway use and auto homes, trailers and semi-trailers except when hauled by tractors not designed for highway use) covering identified property of a mobile or floating nature pertaining to or usual to a household. Such policies shall not cover furniture and fixtures not customarily used away from premises where such property is usually kept.
- 3.1.5.12 Installment Sales and Leased Property Policies covering property pertaining to a household and sold under conditional contract of sale, partial payment contract or installment sales contract or leased, but excluding motor vehicles designed for highway use. Such policies must cover in transit but shall not extend beyond the termination of the seller's or lessor's interest.

- 3.1.5.13 Live Animal Floaters.
- 3.1.6 Commercial Property Floater Risks covering property pertaining to a business, profession or occupation
 - 3.1.6.1 Radium Floaters.
 - 3.1.6.2 Physicians' and Surgeons' Instrument Floaters. Such policies may include coverage of such furniture, fixtures and tenant Assured's interest in such improvements and betterments of buildings as are located in that portion of the premises occupied by the assured in the practice of his profession.
 - 3.1.6.3 Pattern and Die Floaters.
 - 3.1.6.4 Theatrical Floaters, excluding buildings and their improvements and betterments, and furniture and fixtures that do not travel about with theatrical troupes.
 - 3.1.6.5 Film Floaters, including builders' risk during the production and coverage on completed negatives and positives and sound records.
 - 3.1.6.6 Salesmen's Samples Floaters.
 - 3.1.6.7 Exhibition Policies on property while on exhibition and in transit to or from such exhibitions.
 - 3.1.6.8 Live Animal Floaters.
 - 3.1.6.9 Builders' Risks and/or Installation Risks covering interest of owner, seller or contractor, against loss or damage to machinery, equipment, building materials or supplies, being used with and during the course of installation, testing, building, renovating or repairing. Such policies may cover at points or places where work is being performed, while in transit and during temporary storage or deposit, of property designated for and awaiting specific installation, building, renovating or repairing.
 - 3.1.6.9.1 Such coverage shall be limited to Builders' Risks or Installation Risks where Perils in addition to Fire and Extended Coverage are to be insured.
 - 3.1.6.9.2 If written for account of owner, the coverage shall cease upon completion and acceptance thereof; or if written for account of a seller or contractor the coverage shall terminate when the interest of the seller or contractor ceases.
 - 3.1.6.10 Mobile Articles, Machinery and Equipment Floaters (excluding motor vehicles designed for highway use and auto homes, trailers and semitrailers except when hauled by tractors not designed for highway use and snow plows constructed exclusively for highway use), covering identified property of a mobile or floating nature, not on sale or consignment, or in course of manufacture, which has come into custody or control of parties who intend to use such property for the purpose for which it was manufactured or created. Such policies shall not cover furniture and fixtures not customarily used away from premises where such property is usually kept.
 - 3.1.6.11 Property in transit to or from and in the custody of bailees (not own controlled or operated by the bailor). Such policies shall not cover bailee's property at his premises.
 - 3.1.6.12 Installment Sales and Leased Property. Policies covering property sold under conditional contract of sale, partial payment contract, installment sales contract, or leased but excluding motor vehicles designed for highway use. Such policies must cover in transit but shall not extend beyond the termination of the seller's or lessor's interest. This section is not intended to include machinery and equipment under certain "lease-back" contracts.
 - 3.1.6.13 Garment Contractors Floaters.
 - 3.1.6.14 Furriers or Fur Storer's Customer's Policies (i.e., policies under which certificates or receipts are issued by furriers or fur storers) covering specified articles the property of customers.
 - 3.1.6.15 Accounts Receivable Policies, Valued Papers and Records Policies.
 - 3.1.6.16 Floor Plan Policies, covering property for sale while in possession of dealers under a Floor Plan or any similar plan under which the dealer borrows money from a bank or lending institution with which to pay the manufacturer, provided:

- 3.1.6.16.1 Such merchandise is specifically identifiable as encumbered to the bank or lending institution.
- 3.1.6.16.2 The dealer's right to sell or otherwise dispose of such merchandise is conditioned upon its being released from encumbrance by the bank or lending institution.
- 3.1.6.16.3 That such policies cover in transit and do not extend beyond the termination of the dealer's interest.
 - 3.1.6.16.3.1 Provided that such policies shall not cover automobiles or motor vehicles; merchandise for which the dealer's collateral is the stock or inventory as distinguished from merchandise specifically identifiable as encumbered to the lending institution.
- 3.1.6.17 Sign and Street Clock Policies, including neon signs, automatic or mechanical signs, street clocks, while in use as such.
- 3.1.6.18 Fine Arts Policies covering paintings, etchings, pictures, tapestries, art glass windows, and other bonafide works of art of rarity, historical value or artistic merit, for account of museums, galleries, universities, businesses, municipalities and other similar interests.
- 3.1.6.19 Policies covering personal property which, when sold to the ultimate purchaser, may be covered specifically, by the owner, under Inland Marine Policies including:
 - 3.1.6.19.1 Musical Instrument Dealers Policies, covering property consisting principally of musical instruments and their accessories. Radios, televisions, record players and combinations thereof are not deemed musical instruments.
 - 3.1.6.19.2 Camera Dealers Policies, covering property consisting principally of cameras and their accessories.
 - 3.1.6.19.3 Furrier's Dealers Policies, covering property consisting principally of furs and fur garments.
 - 3.1.6.19.4 Equipment Dealers Policies, covering mobile equipment consisting of binders, reapers, tractors, harvesters, harrows, tedders and other similar agricultural equipment and accessories therefor; construction equipment consisting of bulldozers, road scrapers, tractors, compressors, pneumatic tools and similar equipment and accessories therefor; but excluding motor vehicles designed for highway use.
 - 3.1.6.19.5 Stamp and Coin Dealers covering property of philatelic and numismatic nature.
 - 3.1.6.19.6 Jewelers' Block Policies.
 - 3.1.6.19.7 Fine Arts Dealers.
 - 3.1.6.19.7.1 Such policies may include coverage of money in locked safes or vaults on the Assured's premises. Such policies also may include coverage of furniture, fixtures, tools, machinery, patterns, molds, dies and tenant insureds interest in improvements of buildings.
- 3.1.6.20 Wool Growers Floaters.
- 3.1.6.21 Domestic Bulk Liquids Policies, covering tanks and domestic bulk liquids stored therein.
- 3.1.6.22 Difference in Conditions Coverage excluding fire and extended coverage perils.
- 3.1.6.23 Electronic Data Processing.
- 3.1.7 Unless otherwise permitted, nothing in the foregoing shall be construed to permit Marine or Transportation Policies to Cover:
 - 3.1.7.1 Storage of Assured's merchandise, except as provided by statute.
 - 3.1.7.2 Merchandise in course of manufacture, the property of and on the premises of the manufacturer.
 - 3.1.7.3 Furniture and fixtures and improvements and betterments to buildings.
 - 3.1.7.4 Monies and/or securities in safes, vaults, safety deposit vaults, bank or Assured's premises, except while in the course of transportation.