



~ Our Mission ~

"A professional organization dedicated to the ongoing education of the claims community. Providing an arena for member interaction and the sharing of resources."

Next Regular Meeting: January 15, 2016. — See page 2



SMITH FREED & EBERHARD P.C.  
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— See page 3



### Claims Conversation

with Roger Howson

— See page 16



### Personal Interest Health Wise

— See page 21



### Drones: A New Frontier for Insurers

— See page 24

### Know Your Policy!

Find the words in the grid - note that words are individual within the grid. When you are done, the unused letters in the grid will spell out a hidden message. Pick them out from left to right, top line to bottom line. Words can go horizontally, vertically and diagonally in all eight directions.

D	I	I	N	S	U	R	E	D	T	S	B	C	E	S	T
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February 2008 By Patty Ferguson created with www.WordSearchMaker.com

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— Find puzzle answers on page 24



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## PSAA Next Luncheon Mtg

**Next Meeting:** January 15, 2016

**Time:** 11:30am to 1:30pm

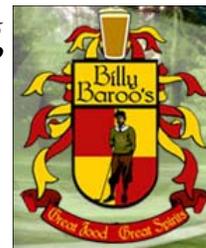
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**Cost:** Members \$20 Vendors \$25

**Presentations:** To be announced

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### Additional Meeting Information

Please keep in mind that we'd like to start and end promptly during our monthly meetings. Here is the timeline for each meeting:

- 11:30 a.m. Registration
- 11:45 a.m. Buffet
- 12:00 p.m. Meeting Called to Order
- 1:30 p.m. End of Meeting

Please arrive on time and have your cash or check (payable to PSAA) ready, or provide your online payment receipt. We appreciate your cooperation and assistance.

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## "They're Not Home at the Moment" — Substitute Service on Guests and Visitors

— By Kyle Riley

**From the desk of Kyle D. Riley:** Does a plaintiff's service on a person who spent every day for a month in the home of the defendant, satisfy Washington's service of process rules?

**Claims Pointer:** In order to sustain a cause of action, a plaintiff must serve each defendant with a copy of the summons complaint. Washington's service statute, RCW 4.28.080, permits service on a defendant personally or through substitute service by leaving the summons and complaint at the defendant's home to (1) a person; (2) "of suitable age and discretion;" and (3) who is a "resident therein." In the following case, a contractor was served while working at the defendants' home. The Washington Court of Appeals held that substitute service was ineffective because the contractor was not "actually living in" the defendants' home."

*Baker v. Hawkins, No. 33228-4-III, Court of Appeals of Washington, September 22, 2015*

Maurice Baker alleged in a complaint that he was injured by Christie Hawkins in a car accident on December 16, 2010. Baker filed a complaint against Christie and David Hawkins ("the Hawkinses") on December 16, 2013. Around the same time, the Hawkinses were remodeling part of their home ("the home"). The Hawkinses' general contractors, Gary and Winoma Jellicoe ("the Jellicoes"), worked every day, including weekends, from around 8:30 to 6:30 p.m., but spent nights at their own home. They had a key to the home, kept their tools at the home, monitored utilities, occasionally used the restroom in the home, and would receive packages containing appliances and materials for remodeling the home.

Although Baker filed his complaint on the last day of the statute of limitations, Washington's rules toll the statute of limitations for 90 days once a complaint is filed as long as the plaintiff can serve the defendant within 90 days. On January 11, 2014, Baker's process server went to the Hawkinses' home to serve the Hawkinses with a copy of the summons and complaint, but instead served Gary Jellicoe ("Mr. Jellicoe"). At the time, the Hawkinses were on vacation

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Vendor: \$25 to **Tara-Rose Layton of FRSTeam**

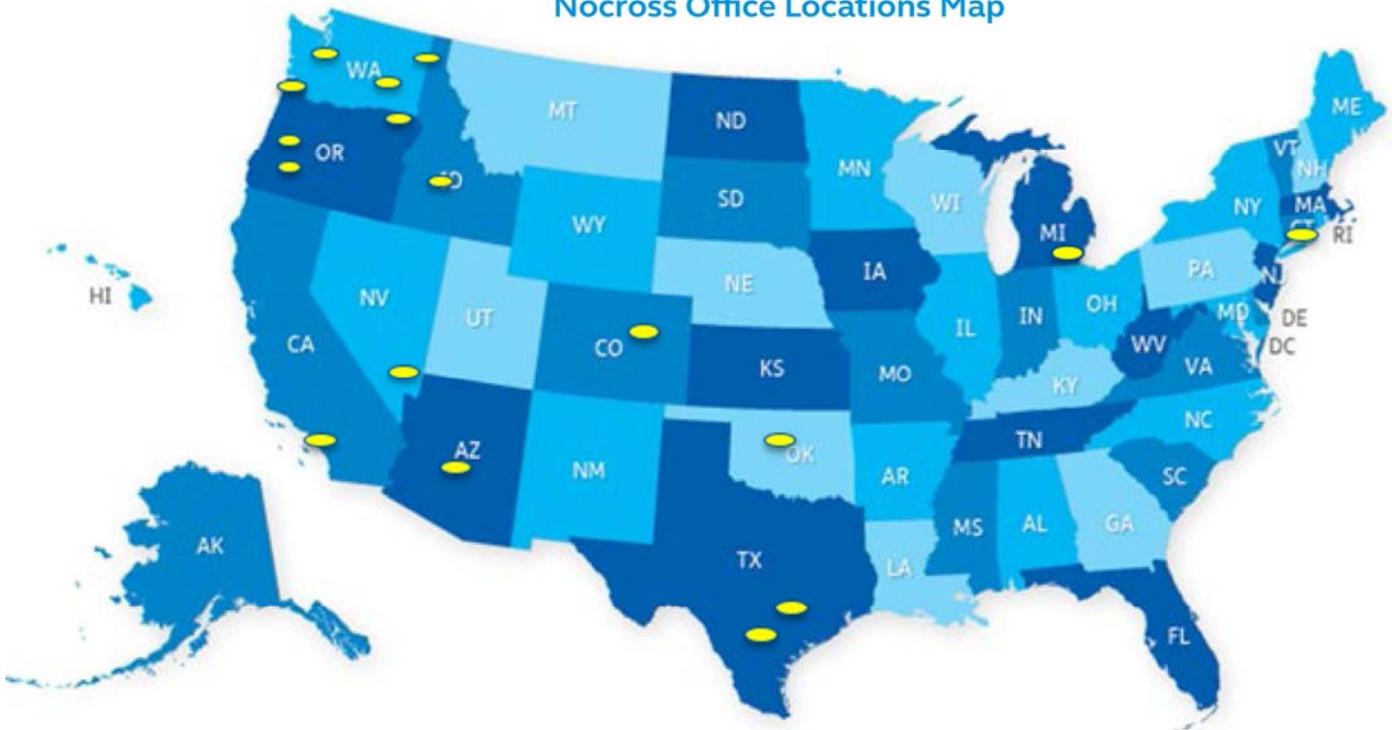
in Mexico. On February 24, 2014, the Hawkinses filed their answer, asserting lack of personal jurisdiction and lack of service. On April 3, 2014, the Hawkinses filed a motion to dismiss.

Baker responded to the motion, arguing that service on Mr. Jellicoe was sufficient under Washington's service rules because Mr. Jellicoe was "a person of suitable age and discretion" and was residing at the Hawkinses' home. In support of his request that the court deny the motion to dismiss, Baker included a declaration from the process server that stated that he served Mr. Jellicoe. The process server claimed that Mr. Jellicoe drove up to the house, took packages into the home, and said that he was living at the home, and stated that he would deliver the summons and complaint. In response, the Hawkinses submitted testimony of the Jellicoes, who stated that

(See **Case Study...** continued on page 5)

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**Case Study...** (Continued from page 3)

they unloaded packages into the home for construction purposes and that Mr. Jellicoe told the process server that he would put the summons and complaint in the house and tell the Hawkinses about it. The Jellicoes testified that they never told the process server that they were living in the home. The trial court dismissed the case. Baker appealed.

The Washington Court of Appeals held that service on Mr. Jellicoe was insufficient. Baker argued that service on Mr. Jellicoe satisfied Washington's substitute service rules under RCW 4.28.080 because Mr. Jellicoe was a "resident" of the Hawkinses' home. Baker relied on *Wichert v. Cardwell*, a case in which the Washington Supreme Court held that service was effective on the defendant's adult daughter when she was served at the home of the defendant, even though the daughter had her own apartment and very rarely stayed at her mother's home. In response, the Hawkinses cited a more recent case, *Salts v. Estes*, in which the Supreme Court held that service was insufficient on a friend who was in the home of a defendant feeding the dogs. The Court of Appeals examined both cases cited by the parties and found inconsistency between the two. Ultimately, the Court held that *Salts* controlled. The Court explained that for purposes of RCW 4.28.080, a person is only a "resident" if the person is "actually living in" the home. The Court of Appeals also determined that any purported statement of Mr. Jellicoe was hearsay and could not create a genuine issue of material fact. Because the trial court had determined that the Jellicoes were not living in the home, the Court ruled that service on Mr. Jellicoe was insufficient. The Court of Appeals upheld the dismissal of Baker's claim. ❖

— View the full opinion at: <https://www.courts.wa.gov/opinions/pdf/332284.pub.pdf>

— If you would like to be notified of new cases, please send an email to: [caseupdate@smithfreed.com](mailto:caseupdate@smithfreed.com).

This article is to inform our clients and others about legal matters of current interest. It is not intended as legal advice. Readers should not act upon the information without seeking professional counsel.

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Thank you to all those involved in putting on the annual PSAA Holiday Party! It was a huge success with 108 in attendance and almost \$600 raised for our Light My Fire charity project! Special thanks to all of our sponsors who make the event possible, and to those who attended making our efforts worthwhile. Happy Holidays and Happy New Year to all.

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**Cyber Security and Insurance**

Insurance regulators across the country are on high alert given the recent data breaches at several large insurance companies. Commissioner Kreidler has directed all insurers based in Washington state to follow specific best practices to protect consumer data (PDF 50KB).

**What happens after a cyber attack or security breach** — Insurers must notify our office in writing within two business days after it has determined customers must be notified ([www.leg.wa.gov](http://www.leg.wa.gov)). They must tell us the number of consumers potentially impacted, what actions they're taking to follow-up, and provide the information they will share with customers, including:

- A description of what happened;
- The date the breach occurred and when it was discovered;
- A description of the types of unsecured protected health information involved in the breach;
- Any steps individuals should take to protect themselves from possible harm resulting from the breach;
- A brief description of what the insurer is doing to investigate the breach, mitigate harm to individuals, and to protect against future breaches; and
- Contact information for individuals to ask questions or get more information.

**2015 data breach at Premera** — If you were impacted by the data security breach at Premera earlier in 2015, you should contact the company about what you can do to protect yourself and your identity at [www.premeraupdate.com](http://www.premeraupdate.com).

The Washington state Office of the Insurance Commissioner is also leading a multi-state market conduct exam of Premera to learn more about the breach and how the company is operating in the marketplace. The exam is proceeding and a final report could be done late in 2015. However, there is no deadline for completing the exam. All 50 states are participating in the exam.

(See News... continued on page 9)



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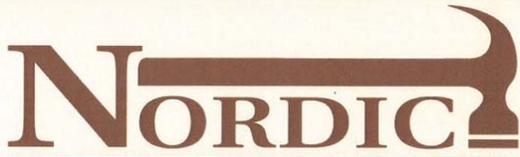


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**News...** (Continued from page 7)

**Number Of Licensed Seniors, Traffic Accidents Will Surge As Baby Boomers Age**

Senior drivers are causing a larger number of auto accidents, and the number is expected to increase in the years ahead. The number of licensed elderly drivers is the highest it has ever been, and that number is predicted to skyrocket as the Baby Boomer generation continues to age. Policymakers are worried that this growing elderly driving population will lead to surges in traffic accidents and, subsequently, injury to property and person. There were 36.8 million licensed senior drivers in 2013 — a 27 percent increase from 2004. — *To read the full story go to [www.claimspages.com](http://www.claimspages.com) and search using the title.*

**Insurance Institute Sets Its Sights On Steerable Headlights**

Automakers looking to earn top safety ratings are peering around the corner to prepare for the next directive from the industry’s de facto safety standard setter. This time, it will involve headlights. The Insurance Institute for Highway Safety — whose endorsements are so coveted by automakers that they have helped accelerate the adoption of safety technology — is developing a stand-alone ratings program for headlights, with the first batch of results due out next year, David Zuby, the IIHS’ chief research officer, told Automotive News. — *To read the full story go to [www.autonews.com](http://www.autonews.com) and search using the title.*

**Fire Damages Home After Hoverboard Explodes While Charging**

Jessica Horne can’t believe that the hoverboard her son couldn’t wait to get — could have killed him. Now she blames the toy for a fire that destroyed her home. Just five days before Thanksgiving, Jessica’s 12-year-old son opened the box containing one of this year’s most sought-after items. It was a hoverboard, one of the futuristic skateboards that are powered by lithium batteries, allowing riders to move without effort, steering with their feet. Although Jessica had heard of injuries caused by people falling off hoverboards, she says she had never heard that a hoverboard might catch fire. — *To read the full story go to [www.wqno.com](http://www.wqno.com) and search using the title.*

**Insurance Industry Struggling with Talent Gap**

By Mike McGonigle and Melissa Rogers / New Mexico State University. Reprinted from [www.abqjournal.com](http://www.abqjournal.com).

There is a huge talent gap in the insurance industry, with more jobs available than there are workers to fill

(See News... continued on page 11)



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**News...** (Continued from page 9)

them. Yet not many students are pursuing careers in insurance. Why is that?

According to the Bureau of Labor Statistics, the median age of insurance industry workers in 2013 was 44.7 years old; for all industries, it was 42.4 years old. Of the 2,639,000 insurance industry workers, only 131,000, or roughly 5 percent, were 20 to 24 years old. In contrast, 640,000 insurance industry workers were age 55 or older, which means roughly one quarter of these workers are nearing retirement.

The talent gap in the insurance industry is much greater than in other industries. The percentage of workers age 55 and older is roughly 30 percent higher than other industries, according to 2011 data from the Griffith Insurance Education Foundation.

The main insurance-related career paths are actuary, agent, claims adjuster and underwriter, with entry-level education requirements ranging from a high school diploma to a bachelor's degree. The mean annual wage for these four careers in 2014 ranged from \$63,500 to \$110,090, according to the Bureau of Labor Statistics.

In 2014, the annual mean wage of all occupations in the U.S. was \$47,230, which is \$16,270 less than the lowest annual median wage of the aforementioned insurance-related vocations. Insurance industry wages are relatively attractive, especially when some vocations require only a high school diploma.

In addition to highly competitive salaries, insurance industry jobs are stable because insurance is often required institutionally, as with car or home ownership and mandated health insurance. For that reason, the industry is unlikely to disappear soon.

Insurance Business America forecasters predict roughly 200,000 new jobs in the insurance industry by 2022 and say recent trends indicate producers will soon hit a historic job growth peak.

(See News... continued on page 13)



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**News...** (Continued from page 11)

In addition to high salaries and job stability, insurers provide many career advancement opportunities, especially for high achievers.

Careers in insurance don't seem to be well known or perceived as glamorous or exciting by millennials – those born from 1980 to 2000. Surveys by the Griffith Insurance Education Foundation found that only 5 percent of millennials were familiar with careers in insurance, that young employees view insurance as “boring” and only 5 percent of students in the millennial generation describe themselves as “very interested” in working in the industry.

For some reason, the insurance industry has a very bland reputation, but this is a misconception. Companies understand this and know they must address it.

Some insurers are recruiting future workers while they are in college or even high school. Training new employees is expensive: For example, training a college graduate may take two years and cost \$100,000. Young students who prepare for an insurance industry career by completing appropriate coursework will cost less to train. Hence, insurers benefit from attracting college-age millennials.

Research on millennials is crucial to attracting them as workers. Insurance industry blogger Jim Schubert has suggested six tactics for attracting young adults to the insurance industry. These include posting job opportunities where millennials spend much time, such as social media; bringing a firm's young agents to events that attract millennials; ensuring that millennials know there is much job flexibility and a high earning potential; ensuring adequate sales training and use of social media as a marketing tool; inspiring new agents by pairing them with a hardworking and successful mentor; and structuring commissions and other rewards to encourage sales.

Insurers can reduce the talent gap in two ways: They can better educate students and recent graduates about career opportunities by attending career fairs on campuses; and they can run more and better job advertisements online as most millennials are comfortable using the Internet for career searches.



To submit an article to this publication contact Barb Tyler at [npassist@msn.com](mailto:npassist@msn.com). Length of the article is not as important as its content.



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# Claims Conversation

with **Roger Howson**, Claims Dispute Resolution, PSAA Newsletter Editor & Education Chair, TCAA Past President

When I entered the claims profession in 1977 most of my adjusting cohorts were lawyers. They told me that a law degree had been a hiring requirement... until the insurance companies figured out that they were providing excellent behind the scenes training for armies of plaintiff lawyers. Fast forward almost forty years, and adjusting is even less of a profession than when I snuck in with only a Bachelor's degree.

Technology has transformed the claims process into a centralized machine wherein drones, databases, and digital doppelgangers accomplish much of what used to be called "adjusting". Ironically, these advances in efficiency and analytical consistency have inadvertently revealed the importance of claims professionals for those times when a policyholder or claimant adamantly refuses to be "managed" by a computerized claims process.

We adjusters think what's happening in the insurance industry is uniquely disruptive to our profession, but the following article helps to explain the changes in workforce dynamics which have necessitated many of us to rethink our career trajectory.

**Seattle could help forge a "new kind of deal" in which workers would be enriched by technology and innovation, instead of facing a disrupted economy and being impoverished.** — By Steven Hill  
*Special to The Times. Reprinted from [www.seattletimes.com](http://www.seattletimes.com).*

THE U.S. workforce, which has been one of the most productive and wealthiest in the world, is undergoing an alarming transformation. A significant factor in the decline of the quality of jobs has been employers' increasing reliance on "non-regular" employees — a growing army of contractors, freelancers, temps and part-timers.

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Meet Chris Young, an assembly-line worker at Nissan's manufacturing plant in Smyrna, Tenn. Young works alongside other Nissan employees, but he doesn't work for Nissan. Rather, he works for a private contractor that provides a majority of Nissan's workers. Young receives half the salary, less job security and fewer safety-net benefits than the regular Nissan employees.

Nationwide, temps like Chris Young, profiled by The Washington Post, have provided nearly a fifth of the job growth since the recession ended. And increasingly, the temps aren't very temporary. Some have been employed at the same company for as long as 11 years, resulting in the doublespeak term "perma-temps." Microsoft paid \$97 million to settle a lawsuit for denying benefits to over 8,000 perma-temps.

The advantage for a business of using such non-regular workers is obvious: It can lower labor costs dramatically, often by 30 percent or more, since it is not responsible for health benefits, Social Security, unemployment or injured workers' compensation, paid sick or vacation leave, and more. Contract workers have no union or grievance procedure, and can be dismissed without notice.

Now a new and alarming mash-up of Silicon Valley technology and Wall Street greed is thrusting upon us the latest economic fraud: the so-called "sharing economy." Companies like Uber, Airbnb, Instacart, Upwork and TaskRabbit allegedly are "liberating workers" to become "the CEOs of their own businesses." In reality, these workers also are contractors, hiring themselves out for ever-smaller jobs and wages, with no safety net while the companies profit.

Uber seemed like a great idea, an American fantasy come true: Everyone can have their own private chauffeur. But it comes with a price. The reason its drivers arrive so rapidly is because Uber has flooded the streets with cars. Have you noticed how Seattle's traffic has gotten so congested?

In New York, transportation analyst Charles Komanoff crunched Uber's own numbers and estimated that Uber-caused congestion has reduced traffic speeds in downtown Manhattan by about 8 percent. Ed Reiskin, director of transportation for the Municipal Transportation Agency in San Francisco, says Uber and Lyft have put an estimated 15,000 autos on the streets: "They're all contributing to the increased traffic."

On the labor side, Uber drivers are contractors. Most drivers, after they subtract their considerable

(See **Claims Conversation...** continued on page 19)



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## Claims Conversation... (Continued from page 17)

driving expenses, don't earn any more than taxi drivers. Many Uber drivers complain they don't even earn minimum wage. They receive no benefits and can be cut off the app-based platform at any time. That's why, according to Uber's own numbers, most drivers leave after a year. New drivers like the flexibility, but after a while they burn out, with frequent wage cuts and unfair treatment.

Not surprisingly, many Uber drivers have called for forming a union. Unfortunately, federal law doesn't allow workers who are classified as contractors to do that. So legislation has been introduced by Seattle City Councilmember Mike O'Brien to try and rectify this situation. Uber responded last week by dispatching its heaviest hitter to Seattle — David Plouffe, the 2008 campaign manager for President Obama, who now heads Uber's public relations. In what is becoming a battle for the soul of the Democratic Party in the middle of a presidential campaign, we now have a top Democrat taking an anti-labor stance by opposing the right of these workers to collectively organize and bargain.

Airbnb also started out as a good idea: helping "regular people" rent out a spare room in their home to make some extra money. But it has been invaded by professional real-estate operatives who rent out multiple units, not just a spare bedroom. In many cities, Airbnb "hosts" control dozens of properties. In Seattle, 40 percent of hosts have multiple listings — one host has 58 listings, according to data analyst Tom Slee, author of "What's Yours is Mine, Against the Sharing Economy." According to Slee's analysis, almost half of Airbnb's revenue in Seattle comes from hosts with multiple listings, who can double their revenue by renting to tourists instead of local residents.

A leaked memo from Coldwell Banker Commercial put the net annual income for renting units of an apartment building to local residents at 5.6 percent. But if those units were rented via Airbnb, the projected rate of return was 13 percent — well over twice the profit.

Often the professionals evict longtime tenants and convert entire buildings into Airbnb hotels, eating up housing stock. In a city like Seattle with such a low housing vacancy rate, Airbnb's 3,500 listings are devouring the few vacancies available. It is eating away the thin margin and putting the housing and affordability crisis into a much higher state of urgency. Capitol Hill has been particularly hard hit.



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**Claims Conversation...** (Continued from page 19)

Corporate America is increasingly relying on these types of operations as a core part of its business model to maximize profits. One solution that I, along with Seattle's Nick Hanauer and David Rolf, have proposed is creating a system of "portable benefits." Each worker should be assigned an "individual security account" into which every business that hires that worker would pay a small "safety-net fee" prorated to the number of hours a worker is employed by that business. Those funds would be used to pay for each worker's safety net.

The Seattle City Council could pass this idea, forging a "new kind of deal" in which most workers would be enriched by technology and innovation, instead of being disrupted and impoverished by this "share-the-crumbs" economy. ❖

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**7 Days to Less Anxiety and Brain Chatter**

By Kate Rockwood

Being anxious is kind of like having a fiendish superhero for a brain: able to jump to the worst conclusion in a single bound! Whether you were born this way or are just going through an anxious time, the extraordinary ability to get worked up over nothing will drag you down, guaranteed. "When you worry, you're not living in the present; you're always anticipating some imagined awful future," says Karen Cassidy, managing director of the Anxiety Treatment Center of Greater Chicago. "It can affect every part of your life, from digestion to sleep to relationships, and make you feel out of control."

(See **Less Anxiety...** continued on page 23)



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## Less Anxiety... *(Continued from page 21)*

Truly mastering the coping strategies here can take months, but even a week of work can bring significant improvement, says Cassidy. Hop to it, super-girl.

### **Day 1 (and every day): Get Some Sleep Already**

Sleep and worry are dance partners in a cruel do-si-do: Anxious thoughts can make it hard to sleep, but sleep deprivation actually amplifies activity in the parts of your brain associated with anxiety. If you're worrying into your pillow at 3:45 AM, try countering it by putting attention on your body, recommends Jeffrey Brantley, a founder of Duke Integrative Medicine. Start by flexing the soles of your feet and focusing your attention on how the sheet and blanket feel against them. Take a few breaths. Then move up your body, focusing on your calves, stomach, neck, the muscles of your face. Each time you release your muscles, imagine more tension leaving your body. If you find your mind wandering, don't beat yourself up. "When thoughts come up, just notice them," says Brantley, "and then let them go."

### **Day 2 (and every day): Find A Sponge And Sit On It**

An anxious thought puts even the most rested body a little bit on high alert. That fight-or-flight response can cause the next thought to feel even more worrisome. Defuse this escalation by calming your body throughout the day. One visualization that successfully tells the sympathetic nervous system to chill, per Jennifer Abel, a psychologist in St. Louis: Imagine the surface you're sitting or standing on is a giant sponge. Take a breath in; then, as you exhale, imagine the tension draining away and getting absorbed into the sponge. Set reminders for yourself to do this over the course of the day. A good night's sleep plus a day peppered with tension relievers? You're practically the Dalai Lama already.

### **Day 3 (and every day): Walkitate**

You probably already know that regular meditation reduces anxiety, per a ton of research. You also know that walking is awesome for body and mind. So combining the two is pretty much the pill-free version of a Xanax. Find 10 minutes to stroll, sans phone. Take an inventory of each of your senses: What do you smell? What do you see? How does the wind feel against your arms? Stanford University scientists recently found that when people took a quiet walk through a park, the part of the brain associated with fretting became significantly calmer and had less blood flow.

### **Day 4: Get So Bored**

Now that you're working on the daily physiological stuff (sleep, relaxation, exercise), let's try managing the actual thoughts. It's not hard to rob a worrying notion of its gut-wrenching grip. The trick is to treat it like an obnoxious toddler: Give it your full attention for a limited time. Find a 15-minute window when you can sit alone, without interruption. Then voice your anxious thought aloud. "Maybe the thought is It's possible I have cancer or It's possible I'm going to lose my job," says Robert L. Leahy, a psychologist and author of *The Worry Cure*. "Whatever it is, repeat it slowly, imagining it vividly. After hundreds of repetitions, the thought turns utterly boring." Around the 15-minute mark, many people experience a big emotional shift, says Cassidy. (Intense worriers may need 20 to 30 minutes.) "You start to realize the worry is just a thought, and you can begin to disregard it."

### **Day 5: Book A Worryfest**

Now go further and plan a 30-minute session to deal with all your worries. Then, when anxious thoughts come up, try jotting them down to deal with at the appointed hour. "Most people think they won't be able to postpone that long but find that it works," says Leahy. "A thought might feel urgent at

*(See Less Anxiety... continued on page 24)*



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## Less Anxiety... *(Continued from page 23)*

noon, but then 4 PM comes and you're not as concerned."

### Day 6: Be Glad You're A Worrier

Research shows that people who worry are really good at solving problems when they actually arise, Leahy says. The trick, though, is not pre-solving every possible emergency, only those you can deal with now. "Some worry is productive—you want to finish presentation slides before a conference or double-check flight details—but most anxieties are about things that we can't control," Leahy says. If you can do something now to stave off the future you're worried about, do it. If not, give yourself a simple pep talk—I'll be good at tackling that if it actually happens—and leave the worry behind.

### Day 7: Fire Dr. Google & Mr. "You Look Fine"

"Worriers think reassurance will calm them, but it doesn't," says Cassidy. Commit to not seeking it: Don't consult Google about symptoms; don't ask your mate to OK your outfit. "Initially your anxiety will go up," she says. "But then it will drop much more than if you sought reassurance." There. Doesn't that sound like a nice break for your brain? ❖

## Drones: A New Frontier for Insurers

By **Richard Newman**

Reprinted from [www.northjersey.com](http://www.northjersey.com) via [www.claimspages.com](http://www.claimspages.com)

Unmanned aircraft known as drones are here, and more are coming. The Federal Aviation Administration, which is expected to soon issue rules to allow commercial drone flights, estimates there could be 30,000 commercial and civil drones buzzing over America by 2020.



The reason is simple: Robotic planes and helicopters can do many things companies pay people to do,

and the drones may be able to do them at less cost and at less physical risk to workers — from inspecting rooftops of high-rises for wear and tear, to taking flyover shots for a movie. Online retailers and shipping companies envision them carrying packages from distribution centers to suburban doorsteps.

But who will be liable if a 6-pound drone crashes into you? That's just one of the risks posed by the

technology that's known mainly as a tool to spy on and kill the nation's enemies.

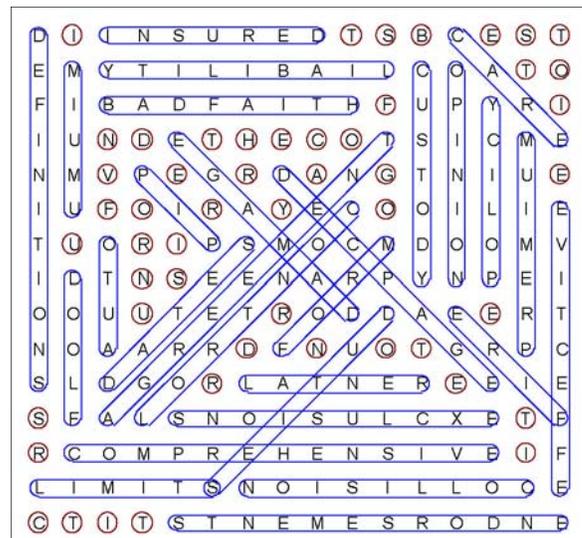
Now that the Federal Aviation Administration is getting ready to integrate commercial drones into U.S. airspace, insurance companies such as AIG and Zurich are preparing to underwrite billions of dollars in liability coverage.

In addition, electronics manufacturers expect to sell as many as 1 million recreational drones that will go under Christmas trees this year. These drones, which also pose insurable risks, are viewed by the FAA as akin to model airplanes, and are regulated separately from commercial drones.

Of the emerging risks that promise to bring more premium dollars into insurance industry coffers, commercial drones are not the biggest; that would be cyber-insurance. Another emerging market is specialty insurance to cover ride-sharing drivers such as those who drive for Uber and Lyft. For all of these insurance markets, the makers of the rules and regulations are challenged to keep up with the pace of technological change, and drones are among them.

"The technology is advancing so fast that the law will be playing catch-up for a while," said Gerard Finley, senior vice president of casualty treaty underwriting at Munich Reinsurance America Inc. in Princeton.

Some states, including New Jersey, are in the process of passing commercial drone insurance requirements. In the state Legislature, bills were introduced this year that would require drone operators to maintain liability insurance on their aircraft and register them with the state Transportation Department, or be subject to fines. Identical bills are pend-



ing in the state Senate and Assembly. Sponsors include Assemblyman Joseph Lagana, D-Paramus, and Sen. Paul Sarlo, D-Wood-Ridge, among others.

The Insurance Services Office Inc. in Jersey City has developed standard forms for drone insurance that underwriters will use to create coverage options and has submitted them to a number of state insurance regulators for approval.

"It's going to be expected that drones will crash into things, whether it's from operator error, weather or equipment failure," Finley said. "They will crash into buildings, they will crash into power lines. They could crash into people, they could crash into a car or cause a crash by flying too low and distracting a driver."

Insurers expect to see property damage and personal-injury claims, as well as nuisance and violation of privacy claims, Finley said.

The global drone insurance market is expected to grow in lock step with drone sales, and the Association of Unmanned Vehicle Systems International estimates that 40,000 drones will be sold this year worldwide and that the number will rise to 70,000 in 2016 and 125,000 in 2020.

While recreational drones have been around for decades, the first FAA-approved commercial drone flight over land occurred in June 2014, when a 4 1/2-foot-long fixed-wing drone with a 9-foot wingspan began surveying roads and pipelines in Prudhoe Bay, Alaska, for energy giant BP, which received special permission.

The FAA prohibits commercial drone flights but it has been issuing waivers in recent months to operators in the public and private sectors, including energy companies, filmmakers, real estate firms, colleges and law enforcement agencies. These operators have been able to find insurance if they wanted it, industry experts say.

"A few carriers have started to offer endorsements on their existing policies to cover some of the risks," said Agil Francis, a director and insurance expert at Teaneck-based Cognizant Business Consulting, a division of Cognizant Technology Solutions Corp., which advises businesses on insurance matters.

"Businesses need to keep in mind ... the damage that could occur to the drone itself due to in-flight obstacles, or hazards while drones are on the ground," Francis said.

Pricing of drone coverage varies greatly, depending mainly on how and how often the drone is

used, the value of the drone and the qualifications of the operator. For insurers, setting an annual premium for drone liability coverage is largely guesswork at this point, as reliable loss data do not exist.

"We look at military-loss data and hobby-loss data, but we view that as not entirely relevant," Finley said.

The FAA issued draft rules for commercial drone flights in February, proposing operator-licensing requirements and aircraft size and flight restrictions.

Online retailers, including Amazon, objected to proposed rules that would steer drones away from densely populated areas and keep them within the line of sight of those manning the controls.

As insurers wait for the FAA to issue final rules, the agency is gathering information about the risks inherent in drone operations to guide its rule-making.

"The FAA, to its credit, is partnering with several industries to test this technology," Finley said.

Companies the regulator is working with to test drone flight safety in various situations include drone maker PrecisionHawk, freight hauler BNSF Railway and cable news channel CNN.

The FAA also is examining so-called "sense-and-avoid" technology that makes drones less prone to collisions.

Some of the testing work funded by the FAA is taking place at the agency's William J. Hughes Technical Center in Egg Harbor Township. That facility is processing data from drone flight tests being carried out around the country — including in New Jersey, where Rutgers University has partnered with Virginia Tech under an FAA program to study what happens when a drone flight goes awry.

Insurers have a keen interest in how these and other FAA-funded drone tests being conducted around the country play out. They could help determine permissible uses and coverage opportunities, while shedding more light on the nature of the risks that insurers will be taking on.

The FAA draft rules on so-called "small" commercial drones include a 55-pound size limit, no night flying, a 500-foot ceiling on flights and a maximum speed of 100 miles per hour. Operators must stay out of airport flight paths and restricted airspace, and obey any FAA temporary flight restrictions

According to a May 2015 Munich Re report on drone insurance, the property and casualty industry

(See **Drones...** continued on page 26)

## Drones... *(Continued from page 25)*

is seeking ways to provide coverage for its traditional customers who may want to own and operate a drone of their own, but not as a main part of their business. Meanwhile, aviation insurance specialists look to provide coverage for emerging unmanned aircraft service specialty companies.

Farmers are expected to generate about 80 percent of the demand for commercial drones. Others that may be looking for drones, and drone insurance, include media companies, videographers, real estate agents who sell farms and large tracts of land, oil companies and companies that monitor the environment in hard-to-access places, the report said.

Insurers have been providing liability coverage for model airplane and drone hobbyists for years under homeowner policies, and that will continue.

Last year, amid an increase in drone sightings near airports, recreational drone flight bans around airports were expanded by the FAA to five miles from three.

Rich Swayze, an FAA assistant administrator, recently told Air Transport World, a trade publication, that recreational drone sales could reach 1 million this Christmas season.

"It's a cringing thought for all of us," said Jim Schmidt, director of professional development at PCS Edventures in Boise, Idaho, an education curriculum and software company. PCS offers an app called Droneology that provides safety tips and drone insurance information for hobbyists and their parents.

"Drones are pretty sensitive and they can crash pretty quickly," Schmidt said, adding, "There may be 200,000 that crash the day after Christmas." ❖

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