



**NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES**

**DEFENSE-WITHIN-LIMITS FORM FILING COMPLIANCE QUESTIONNAIRE**

**PAGE 2 OF 2**

**COMPANY**

**Co. File No.**

**TYPE OF INSURANCE**

**Instructions: All applicable items must be answered. Responses in the shaded area indicate non-compliance with Regulation No. 107. Form, page and paragraph references that bring the submission into compliance must be included. Failure to complete all items, or responses in the shaded area, will result in this filing being returned without further review.**

**IV. POLICIES CONTAINING A SEPARATE DEFENSE LIMIT FOR POLLUTION LIABILITY FOR OWNERS/OPERATORS OF UNDERGROUND STORAGE TANKS (USTs)**

- |   |   |  |   |
|---|---|--|---|
| <p>A. Will policy be issued to an insured who is an owner or operator of USTs in order to satisfy EPA financial responsibility requirements? [§71.4(b)]</p>   | <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>   | <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="width: 40%;"></div> <div style="width: 20%;"></div> <div style="width: 40%;"></div> </div> |   |
| <p>B. Does the per claim limit meet the minimum limit requirement? [§71.4(c)(1)]</p>  | <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>   |  |   |
| <p>C. Does the annual aggregate limit, if any, meet the minimum limit requirement? [§71.4(c)(1)]</p>  | <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>   |  |   |
| <p>D. Do legal defense costs reduce the per claim or annual aggregate limit? [§71.4(c)(2)]</p>  | <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>   |  | <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> |
| <p>E. Does the separate defense limit comply with §71.4(c)(3)?</p>  | <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>   |  |   |
| <p>F. Check the one that applies and answer accordingly:<br/>                     1. <input type="checkbox"/> Policy contains insured's acknowledgment that a separate defense limit applies to defense expenses? [§71.5(b)(4)]</p> <p align="center">or</p> <p>2. <input type="checkbox"/> The notice on the face of the policy and application contains the information required by §71.5(d)?</p> | <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> |  |   |
| <p>G. If the policy provides Legal Services Insurance, no more than 25% of the defense limit can be reduced by payments for such coverage [§71.4(d)]</p>  | <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>   |  |   |

**NOTE: All sections cited are to the applicable sections of Regulation No. 107**