



Coverages and Risk Management Solutions

PROGRAMS

NBIS offers premier heavy industry insurance programs with multi-line coverage.

- Crane & Rigging
- Concrete Pumping

- Specialized Transportation
- Equipment Rental/Dealers

COVERAGES

Our specialized coverages address the unique exposures specific to your business.

- General Liability
- Property/Inland Marine
- Commercial Auto
- Excess/Umbrella
- Workers' Compensation

- Motor Truck Cargo
- Warehouse
- Rigger's Liability (Crane & Rigging / Concrete Pumping only)
- Additional Coverages & Endorsements (Specialized Transportation)

RISK SOLUTIONS

We don't just address risk. We manage it.

- Contract Management
- Online Safety & Health Training System
- Fleet Cost & Care Partnership
- Telematics Partnership

- Online Driver Training System
- Dash Camera/Falcon Eye Partnership
- Risk Management Support System



Risk Management Support System

The final word in proactively managing risk.

The RMSS is a comprehensive assortment of tools that policyholders can use to drive proactive steps to manage risk more effectively, reduce future insurance costs, and run a more profitable business.

BENEFITS

- Understand contractual risk transfer
- Understand responsibilities and requirements delineation
- Learn about regulations and compliance
- Easy claim reporting
- Comprehensive case studies
- Procedures and presentations to support your risk department

RMSS HIGHLIGHTS

- Subcontractor Review Manual
- OSHA Regulation Compendium
- Customizable Employee Safety Handbook
- Targeted Safety Training
- ASME B30.5, B30.27 industry standards of care
- Training documents and presentations

Contract Management

Effectively optimizing risk-transfer potential.

BENEFITS

- Optimize risk-transfer potential
- Assess enforceability
- Mitigate losses
- Protect against rising insurance costs
- Protect company assets

KEY PROVISIONS

- Indemnification clause
- Insurance provision
- Operation of equipment provision
- ASME B30.5 responsibilities
- Conditions ground, power line, rigging
- No reliance on load-measuring devices



As a policy holder...

Do I know all the risk services offered by NBIS with my insurance policy? Please Read below to see how we partner with your company

Contract Management Assistance:

- 1. As part of your insurance policy with NBIS an in-depth legal review of your company's current daily work or contract is conducted by NBIS Legal Counsel to ensure key contract provisions (i.e. indemnity, insurance, waiver of subrogation, ground conditions, etc.) are in place to reduce your contracted risk exposure. Once the key contract provisions are identified and cross referenced against your states' applicable case law NBIS then redesigns your work ticket or contract with new preferred language, while keeping your design, logo and business terms consistent with the original document.
- Deductible SIR Incentive (50% Reduction): If the preferred contract language is implemented by you resulting in an acceptance of tender of defense and indemnity by an indemnitor a 50% reduction is applied to your Deductible/SIR on your Commercial General Liability and/or Combined Commercial General Liability and Inland Marine policies.
- **3. Third Party Contract Review:** As added value service, third party contract reviews are available to you upon request. A small fee of \$150.00/hour is required for this legal service.

Risk Management Support System (Thumb Drive Device and Online Portal):

Here you will find an assortment of tools like, how to negotiate contract changes, safety & regulatory management tools, a customizable safety manual, return to work policy, jobsite accident investigation guidelines, equipment accident guidelines, claims management tools and more.

Free Online- Industry Specific Driver Training:

This proactive driver training program is available 24/7 and is designed for drivers of mobile cranes, mobile pump trucks and tractor trailers. The program targets the most common high-risk driving situations and behaviors and confers a printable certificate to the driver at the completion of training. Included with successful completion of the training a 50% reduction is applied to your Deductible/SIR on your Commercial General Liability and/or Combined Commercial General Liability and Inland Marine policies for over-the road claims involving mobile equipment, provided that, that, (a) the "insured driver" completes all the training courses within the 36 months prior to the date of loss, and (b) the mobile equipment is equipped with a NBIS-approved Driver Insight driver behavior telematics system or an operating external view camera or an operating lane departure/ stopping distance alert system.

Risk Management. Experience the Difference.™

Loss Control Inspections:

Loss control inspections are conducted by a member of our loss control team, but on occasion the work may be completed by a Loss Control Vendor hired by NBIS to supplement our staff. This type of loss control review reinforces your company's safety culture and identifies opportunities to improve operations and loss prevention.

Free Access to Catalog of Online Safety & Health Training Courses:

This program provides your employees with access to 150+ interactive training courses, including streaming video courses, for General Safety, Heavy Industry, Hazardous Materials and DOT. Find hot topics like Crane Safety in Construction, Rigging Safety, Fall Protection, Cargo Load Securement, Hours of Service Training, ELD basics, just to name a few. The training is available in both English and Spanish formats with full record keeping accessible 24/7.

As an added value service, for a small fee, you will have access to the OSHA 10-Hour Construction or General Industry training course.

Driver Insight Telematics Software:

This program offers you the ability to monitor the driving habits of your employees once they leave your yard. With this device you will be able to track how your equipment is being driven, capture speeding events, hard braking events, hard acceleration including GPS tracking and geofencing. Easy & quick installation, this device can be used on any Equipment with a 12+ volt battery. Depending on your company policy there is an additional feature that will capture distracted driving while using a cell phone. This unit can be used on any equipment or vehicle but must be tied to the Employee's cell phone by use of an app.

Dash Camera Discount Program:

As a current NBIS policyholder you will have access to Falcon Eye dash cameras at a discounted rate. These HD cameras will allow you to record footage of critical events thereby assisting you with improving driver training, protecting your drivers and/or reducing false claims.

OSHA Litigation Support:

Expert Legal Representation to assist you with fighting OSHA citations and applicable monetary penalties. Through our partnership with the law firm of Golberg Segalla NBIS can partner your company with industry experts with a proven track record in reducing and/or removing OSHA citations.



RMSS risk management support system®

The RMSS is a unique online platform where NBIS insureds can access a comprehensive suite of risk management resources. Enjoy 24/7, single sign-in access to risk management tools specific to the heavy construction industry.

The RMSS includes access a wide variety of NBIS **Exclusive Service programs and partnerships:**

- NBIS Safety & Health Program
- **NBIS Driver Training Program**
- Discounted Camera Program
- Driver Insights Program

- OSHA Litigation Support
- · Manufacturer Training Content
- Industry Association Safety Content

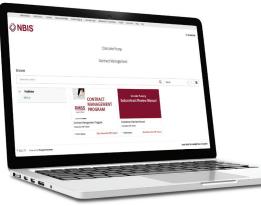




FLEET COST & CARE — Preferred pricing for NBIS insureds



Preferred pricing on premium content



Also included in the RMSS Portal are contract management documents and case studies, unique to each market segment our insured companies operate in:

- Crane & Rigging
- Concrete Pump
- Specialized Transportation

Why Use the RMSS?

The RMSS is the power behind your NBIS policy. This complimentary toolkit allows you to take proactive steps towards managing risk more effectively, resulting in a more profitable business.







Get started today!



To activate your RMSS account, visit NBIS.com and click RMSS in the upper right corner.

www.nbis.com RiskManagement@NBIS.com 877-860-RMSS (7677)

PLEASE READ!!

THERE ARE IMPORTANT CHANGES TO YOUR CONTRACT LANGUAGE TO BETTER PROTECT YOUR COMPANY!!

To all NBIS Insured:

As a valued customer of the NBIS Insurance Program and our continuous commitment to building a stronger defense for claims brought against your company we have made several revisions to our preferred contract language that we believe, based on our history in handling claims for the crane and rigging, and the concrete pump industry, will place your company in a better position to defend and protect your business. We have added additional key contract provisions to address the following critical areas:

- 1. Ground Bearing Pressure:
- 2. Duration of contract terms and conditions:
- 3. "Subcontractors":
- 4. Entire Agreement Clause:

Below is a summary and rational for the key contract provisions that will be added to your contract that will have a positive impact to your defenses. (Please contact our office if you would like these changes made to your existing rental agreement)

- 1. Ground Bearing Pressure: The Federal Government under OSHA 1926.1402 places the responsibility for ground conditions on the Controlling Entity, likewise, the ASME B30.5-2018 states that Site Supervisor and/or Lift Director are responsible for ensuring that the operating area for the crane is suitable for the crane with respect to levelness, surface conditions and support capabilities. Given that both Fed OSHA and the ASME B30.5-2018 set a requirement for ground conditions that can adequately support the Equipment and place that responsibility on designated parties this new wording in industry standards and Government regulations are a true benefit to our crane industry however, we must change the way we communicate what is required to the customer. We as the Equipment provider, and owner, need to supply the Customer with the appropriate ground bearing pressure required to adequately support the Equipment. In many claims we would have been successful in transferring the ground condition liability if we would have provided the required Ground Bearing Pressure needed to support the crane. In lift plans or critical lifts this is usually performed but not in taxi crane or concrete pumping service. We need to change the way we do business and use these tools and this new language to our advantage and work smarter.
- 2. Duration of contract terms and conditions: We will also be adding to your contract a duration of project provision that binds the Customer to the terms and conditions for the duration of the project absent the Operator getting the contract slip signed daily. We have all seen situations where the Operator gets the slip signed Monday through Thursday but fails to get the slip signed on Friday. On Friday there is an incident and unfortunately the slip wasn't signed by the Customer, this scenario makes for an uphill battle when trying to get a reviewing Court to rule favorably on enforcement of the daily contract terms. It is more probable than not that a reviewing Court may reasonably determine there is no contract in the absence of the signatures of the contracting parties on the day of the incident. This new addition will extend the Terms and Conditions throughout the duration of the project.

- 3. **Subcontractors:** We have added a signatory line for Subcontractors to now establish a contractual relationship between the Crane or Pump Company and any unrelated 3rd Party Subcontractor who has been hired by the Customer to work in conjunction with the Crane or Pump Company to perform their work. Specifically, we have modified the indemnity and insurance provisions to account for these situations and to properly protect the crane or pump company where you may have a relationship with the customer that rented the crane or pump but not the company that uses the equipment. Now we will have either/or in a contracted relationship to help defend your business.
- 4. Entire Agreement Clause: We have added to your contract a superseding clause to address those situations wherein multiple contracts are in play; the superseding clause added to our revised contract language will assist us in positioning the crane rental contract as the prevailing document superseding all prior oral and written understandings.

In the interim should you have any questions and/or concerns regarding the recommendations feel free to contact the NBIS Risk Management Department.

Most importantly, after you have reviewed these new changes and you feel as though they can help protect the company you own from liability that may have been out of your control, please contact us and we will make the necessary changes to your existing rental tickets/contracts atToll Free: 877-860-RMSS (7677)

Sincerely,

24/7 Claims Hotline (888) 567-7285

NBIS Risk Management RMSS Support Line - Toll Free: 877-860-RMSS (7677) RiskManagement@nbis.com

DISCLAIMER: The recommendations provided herein have been reviewed by NBIS in-house counsel and found to be compliant with the requirements of applicable state law. In sharing the enclosed recommendations with you, NBIS is not providing legal advice or engaging in the practice of law. By sharing the information contained herein, NBIS is only providing commentary on areas of concern arising from the proposed transaction. You may, at your option, incorporate these provisions into your existing agreement. NBIS recommends that you review the enclosed with independent counsel of your choosing. Failure to do so may result in the waiver of legal rights which may otherwise have inured to your benefit.

NBIS FalconEye Camera Discount Program



As a current NBIS policyholder, you have exclusive access to FalconEye cameras at a significant discount.



Why dash cams?

The use of dash cams is continuously increasing, especially among fleets—and for good reason. Not only can dash cams give insight into what actually occurred during a critical safety event, but they can also enhance driver-coaching programs and improve fleet safety.

Installing dash cams in your fleet is a clear sign that you're serious about fleet safety.

Dash cams also provide five specific benefits:

- 1. Help reduce false claims
- 2. Incentivize safe drivers
- 3. Improve driver training
- 4. Speed up insurance claims
- 5. Protect drivers

Available Discounts

ONE-TO-FOUR CAMERA DASH CAMS

- 1080P DVR DASH CAM
- ORB WIFI GPS DVR DASH CAM
- PINNACLE 4K WIFI DASH CAM w/ GPS
- 3rd GEN Dual DVR DASH CAM
- 2 CAM PRIME 1080P DVR DASH CAM
- PINNACLE 4K DUAL WIFI DASH CAM w/ GPS
- TRIPLE (3) CAM 1080P DASH CAM
- QUAD (4) 1080P DASH CAM SYSTEM
- 4 CAM PRIME 1080P DASH CAM SYSTEM
- PINNACLE 4K QUAD WIFIDASH CAM w/ GPS

TWO-TO-EIGHT CAMERA DVR SYSTEMS

- 2-4 CAM WIRED DVR SYSTEM WITH 9" LCD
- DIGITAL WIRELESS 2-4 CAM DVR SYSTEM w/ 9" LCD
- MOBILE DVR (MDVR) SYSTEM w/ 3-4 CAMS & 7" LCD
- MOBILE DVR (MDVR) 1080P SYSTEM w/ 4-8CAMS



NBIS Online Driver Training Program



Comprehensive online driver training

We don't just believe in training. We invest in it.

Using proprietary claims data, we developed one of the most comprehensive online driver training programs available today. Designed by some of the country's foremost transportation experts, the NBIS Online Driver Training modules are specifically formulated for drivers operating:

- Mobile cranes
- Heavy haul tractors
- Concrete pump trucks

Eradicating high-risk behaviors through training

The NBIS Online Driver Training Program targets the most common high-risk driving situations and behaviors and illustrates practical ways to deal with and avoid them. For mobile crane drivers, concrete pump truck operators, and heavy haul tractor drivers, we offer five customized courses:

- Stopping Distance
- Changing Lanes
- Backing
- Distracted Driving
- Introduction to CSA

Available 24/7 Courses take 15 minutes to complete Full tracking and reporting Trains employees to be aware of the hazards associated with their vehicle Customized to the type of vehicle your employees drive To complete to the type of vehicle your employees drive The complete to the type of vehicle your employees drive The complete to the type of vehicle your employees drive The complete to the type of vehicle your employees drive The complete to the type of vehicle your employees drive The complete to the type of vehicle your employees drive The complete to the type of vehicle your employees drive The complete to the type of vehicle your employees drive The complete to the type of vehicle your employees drive The complete to the type of vehicle your employees drive The complete to the type of vehicle your employees drive The complete to the type of vehicle your employees drive The complete to the type of vehicle your employees drive

The benefits of online training are no longer theoretical – they're now tried and true and part of the NBIS bundle of risk management services. For more information on systems and the NBIS Online Safety & Health Training, visit NBIS.com or call 1.877.860.RMSS (7677).

NBIS and Fleet Cost & Care



Maximize Safety and Efficiency with Digital Document Management

Simplify fleet management and manage operational risk with Fleet Cost & Care's industry-leading software.

Streamline Signature and Document Management

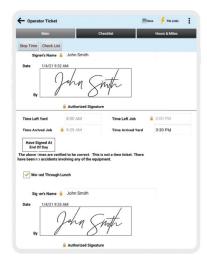
- Generate PDF documents (such as quotes and rental agreements) and email for signing directly from DocuSign. Capture electronic signatures from a smartphone or tablet at the beginning and end of a job.
- Use Terms & Conditions templates to make it easier to manage the various types of forms you need for different companies, yards, etc.

E-TICKETS ARE:

- Accessible anywhere with Offline Mode
- Automatically emailed to customer once signatures are obtained
- Attachment-friendly for sending lift plans, permits, and more.

Help Ensure Compliance with Ease

- Easily require employees to complete and attach essential items like pre-job inspections and site safety checklists before starting work.
- Configure certification requirements to ensure that only employees with the correct credentials are assigned to specific tasks—system will alert you to potential conflicts.



Stay On Top of Data and Extend Equipment Life

- Be alerted to coming due and past due certifications
- Stay current with your engine hour, odometer meter, preventive maintenance activities, and inspection schedules.
- 360-degree view of down time history, maintenance and repairs, warranty info, and equipment deficiencies helps you
- ELD and GPS integration enables HOS importing from ELD systems so dispatchers stay compliant when scheduling employees.

NBIS and FCC help you leverage technology so that you can rest easy knowing you're compliant and covered—and focus on getting the job done.

NBIS Online Safety & Health Training



Culture-shaping safety training

A full suite of training resources—available anytime, anywhere.

As an NBIS policyholder, you and your employees can participate in a variety of courses—anytime, anywhere, using a unique login—designed to enhance the safety culture within your organization. Courses range in topic and are updated frequently. A selection of course topics includes:

- . Crane Safety
- . Rigging Safety
- · Cargo Securement
- . Roadside Inspections for CMV Drivers
- · Fall Protection
- . Trenching and Shoring
- . Lockput / Tagout
- Silica Safety in Construction Environments
- · Recent Changes to OSHA Regulations
- . Defensive Driving
- . Slips, Trips, and Falls in Construction



The right safety culture starts with the right training.

Having a safety program that you know and follow is good, but it isn't good enough. You also need the right safety culture. You need people who buy into the safety mindset. People well versed in OSHA regulations, workplace safety issues (like slips, trips, and falls and PPE) and rigging safety.

Convenient and Cost-Effective Access to Robust Training Options

Online safety training is a proven catalyst in promoting a true safety cultiure. It's an inexpensive way to offer your employees access to hundreds of 40-50-minute safety training tittles with 24/7 accessibility from anywhere there's an internet connection. Add in the detailed tracking and reporting capabilities and you'll find that nearly nothing else on the market today compares.

COMPREHENSIVE LIBRARY

Access to hundreds of various safety titles—from construction topics to general safety.

SELF-PACED TRAINING

Training can occur at literally anytime, day or night—whenever your schedule allows.

TRACKING, DOCUMENTING, REPORTING

Comprehensive tracking of training results and individual documentation of course completion to aid in protecting your company from negligence lawsuits.

For additional information or to enroll, email RiskManagement@nbis.com or call 1.877.860.RMSS (7677).

OSHA Litigation Support



Expert OSHA-specific legal representation

A new partnership for the "best fighting chance"

When we say that we've got our policyholder's best interests in mind, we really mean it. Which is why we've partnered with the Goldberg Segalla law firm. For a reasonable, discounted fee—as an NBIS policyholder—you can now have access to some of the best OSHA-specific legal representation in the country to assist you in fighting OSHA citations and fines.

Alleviating OSHA concerns

If OSHA shows up at your site or facility for any reason — a serious accident, a fatality, or even simply because of an employee complaint —you'll have access to a trained and experienced attorney who can walk you through the process, every step of the way.

What can Goldberg Segalla help you with?

- Litigating contested OSHA citations with Department of Labor attorneys before the Occupational Safety and Health Review Commission (OSHRC)
- Negotiating with OSHA and Department of Labor attorneys for the withdrawal and/or settlement of citations
- Representing employers throughout the OSHA enforcement process, including the initial inspection, issuance of citations, and subsequent analysis of defenses and strategy
- Managing OSHA inspections for employers, regularly appearing on-site immediately after catastrophic accidents, including those involving multiple fatalities
- Counseling employers on their rights and responsibilities under OSHA
- Providing day-to-day OSHA counsel on the myriad OSHA issues facing employers, including any changes or developments in occupational safety and health law



• Certified Safety Professional (CSP) with 20 years of litigation experience; proficient in litigation before the Occupational Safety and Health Review Commission

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716.844.3477

- Advises and represents employers across multiple industries and around the country in connection with OSHA inspections, investigations, and enforcement actions
- Develops and audits safety programs and policies and counsels employers on related risk-management strategies
- Hands-on experience managing accident investigations — including those involving multiple fatalities — and regularly represents employers before, during, and after the OSHA inspection process
- Regularly contests citations on behalf of employers and negotiates for the withdrawal and/or settlement of citations





DESCRIPTION - DASHCAM FOOTAGE, MERGE

Facts of the case:

- Plaintiff Driver entered/merged into lane of the client's vehicle.
 Rear end collision occurred.
- Defendant used dash/cab cameras as regular protocol.
- Plaintiff Driver alleged the insured driver merged into the lane hitting the plaintiff's vehicle.
- The Police Officer used the dashcam video to aid his onscene investigation and cited the claimant driver as evidenced in the Crash report.
- The Plaintiff attorney withdrew representation upon seeing the evidence.

What would you do?

But for the dashcam video, the claim examiner would have been presented with a "driver vs driver" position with the rear-end damage favoring the injured claimant's story and the public's general dislike of the big trucks unless shown differently by compelling evidence.

Since Florida is a pure comparative fault jurisdiction, the claim examiner would rightfully have approached this as 75/25 adverse to the insured with a neck and back soft tissue injury exposure involving an attorney that would have seen a reasonable injury reserve of \$25,000 and the property damage being paid. In this situation, the claim file was closed "no pay".

"Who insures you doesn't matter, until all of the sudden it does." Bill Tepe, NBIS President & CFO

Over the years, we have seen several advancements in driver technology. The information contained in these devices is ever evolving – and is also discoverable.

NBIS offers partner discounts:

- Cameras outside the cab and down the truck to record incidents and help determine liability (passive management),
- Telematics systems to understand driver behavior, so you can coach your drivers to avoid bad driving habits leading up to an accident (preventive management).



OUTCOME OF CASE

An excellent example of the benefit of the dashcam recording the truth. The important outcome for the insured was that there was no incurred loss on their claims history to adversely impact premium.





DESCRIPTION – OVERSIZE LOAD, SIDE SWIPE

Facts of the case:

- Plaintiff Driver entered opposite travel lane of the client's oversize load.
 Sideswipe occurred.
- Defendant Load clearly marked with flags and banners.
- Defendant had Escort Vehicles present.
- 2 witnesses on scene, one favorable the second unfavorable.
- Fatality involving pastor's wife, mother of 9 and grandmother of 27.

What would you do?

Elements of a fatality accident include runaway jury anxiety due to jury shock over accident details. Focus on the long-distance view of the result rather than the short view of the anxieties.

Demand for this fatality was set at a multi-million dollar level. Case was sent to trial and was defended based on the safety standards in place: the defendant's slow rate of travel, escort/pilot cars to oversize banners and flags.

"Who insures you doesn't matter, until all of the sudden it does."
Bill Tepe, NBIS
President & CFO

Being the first responder to a claims event carries with it a great deal of responsibility.

It's important for management to develop a Jobsite Accident Response Plan prior to the claim event, so that critical information can be gathered in a calm and systematic way.

Severity claims response is most effective when it utilizes a pre-planned approach. While safety and accident prevention are the core focus of the plan, a good response plan contemplates multiple scenarios with two key objectives in mind: preserve evidence and "set the table" for the investigative team.



OUTCOME OF CASE

Case was settled in the defendant's favor, difficult and emotional result. Swift claims response and on-scene evaluations & documentation contributed to the final result.





WHAT'S IN YOUR CONTRACT/JOB TICKET?

Facts of the case:

- Plaintiff bare rented a Manitou 10210 telescoping boom forklift from the NBIS insured, as had occurred many times over the last few years.
- The bare-rented forklift was involved in an accident under the operation over the road.
- Injuries included soft-tissue of the neck and back.
- NBIS Insured rented the equipment with specific contract language requiring indemnity and named as additional insured.
- Demand and tender went back and forth for nearly two years.

What would you do?

Without the NBIS preferred contract requiring indemnity and be named as an additional insured, the NBIS policy would have been be primary since traditionally, the coverage follows the vehicle. However, the defense and indemnity of NBIS Insured was eventually accepted by AIG/Starr Indemnity because of the contractual obligation to indemnify NBIS Insured and that CCA's policies were primary by contract.

The claim was settled, provided the release and stipulation of dismissal noting dismissal and release in favor of the NBIS insured.



"Words matter, so change them in your favor." Billy Smith, NBIS EVP Claims & Risk Services

Doing something because it's the way you've always done it is a surefire way to guarantee you're not doing everything you can to protect yourself, especially when it comes to the language in your rental agreement — the first line of defense for you and your employer.

You may have noticed that many contracts have indemnity language which reads that a company will indemnify the lessor for any incident "arising out of" work done by the lessee (you). This can be problematic. The general consensus is that the phrase "arising out of" should be tightened up by using language such as "originating from", "growing out of ", "flowing from," or "done in connection with" - meaning: change the phrase "arising out of" to something that requires some causal connection to the injuries suffered but does not require proximate cause in the legal sense. Having the right language in your rental agreement can literally mean the difference between paying an outrageous amount of money in a lawsuit and transferring your risk to the liable party.

OUTCOME OF CASE

ZERO loss payment, ZERO expense payment NO incurred claim dollars on the insured loss run for this accident.

