

## Message from the Chairman

by Dale M. Halon, CPCU, CIC



**Dale M. Halon, CPCU, CIC**, is a national account executive with ChoicePoint Precision Marketing where he is responsible for direct sales and consultation for insurance companies' marketing programs. Halon has addressed numerous industry groups on predictive models, databases, and underwriting tools and marketing programs. He has published articles for insurance trade publications and industry groups on predictive modeling, the use of consumer credit in insurance, and multi-channel marketing. Halon serves as the chairman of the CPCU Society's Personal Lines Section Committee.

**H**ave any of you ever tried to replace a water heater in your house? Or prepare a meal unlike any other you've done? Or shoot a lower golf score than you thought you could?

If so, you will understand how I felt this morning when I was copied on an e-mail from a fellow Personal Lines Section member. This e-mail was to another section member offering help on a technical subject. That gave me the feeling that our leadership committee had planted enough seeds to spawn a sense of community among the section membership.

It all started a couple of weeks ago. I got an e-mail from an acquaintance who was seeking my help. He is doing research on the new New Jersey automobile insurance reforms. He wanted to know if the section networking was in such a state that he could tap into the vast network of experience represented by fellow CPCUs that share interests and problems. In fact, he (and you know who you are) challenged the very fabric and core of the Personal Lines Section. Well, my fine friend, the system worked!

I forwarded his e-mail to many of the folks that volunteer their time to leading the section and people that serve in other capacities in the Society. Lo and behold, we struck paydirt. While the connection that was made was through good old-fashioned e-mail and not through the Society section members' discussion board, it still happened. That's why I'm so excited.

Surely you all can relate to having a conundrum, riddle, puzzle, dilemma, double entendre, double meaning, doubt, doubtfulness, dubiety, dubiousness, enigma, equivocacy, equivocality, equivocation, incertitude, inconclusiveness, indefiniteness, indeterminateness, obscurity,

tergiversation, uncertainty, uncleanness, or vagueness that had you perplexed, addled, amazed, baffled, balled up, bamboozled, beat, befogged, befuddled, bemused, bewildered, buffaloed, bugged, complicated, confounded, discombobulated, disconcerted, distracted, disturbed, dumbfounded, flabbergasted, floored, flummoxed, foiled, frustrated, gotten to, licked, mystified, nonplussed, obscured, perplexed, posed, psyched out, put off, rattled, snowed, stirred, stumbled, stumped, or thrown?

If so, please share your experience and professionalism with others that have weak moments. Sign up today on the discussion board area on [www.cpcusociety.org](http://www.cpcusociety.org) under the Personal Lines Section members' only page. Yes, I know the login is kind of funky but I promise, the effort will be worthwhile. ■

### Update!

*A short time after I wrote this column, I received this response from the person seeking assistance from the Personal Lines Section.*

*"I got a couple of names in response to my inquiry about NJ auto, and they were able to answer my questions, so thank you.*

*"As far as I am concerned, this is some real value I have just gotten from my section membership, well in excess of the dollar membership fee. Nobody shared anything proprietary, but I got answers to questions I was having difficulty finding out by myself. And not surprisingly, the people I spoke with, who got no direct benefit from sharing their time and expertise with me, seemed quite pleased to be of some help."*

# Cell Phone Bans for Drivers: Wise Legislation?

## Part 2

by Robin K. Olson, CPCU

**■ Robin K. Olson, CPCU,** of International Risk Management Institute, a frequent contributor to *Personally Speaking*, recently released this article about a topic that can affect us all—cell phone usage by auto drivers.

**Editor's Notes:** This article is featured in two installments. The first installment appeared in the September 2003 issue of *Personally Speaking*, where Olson spelled out the facts and the problems. In this issue he discusses various solutions. We would like your opinions or business experiences with this issue; write, call, or e-mail the editor.

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### Legislating a Solution

**T**he National Conference of State Legislatures (NCSL) reported that since 1999 virtually every state has considered legislation concerning cell phone usage by drivers.<sup>18</sup> Very few bills, however, involved an outright ban on cell phone usage while driving. Instead, many of the bills focused on increased and uniform data collection of cell phone involvement in accidents. Most of these laws, however, have died in legislative committees. In addition, an estimated 300 towns, cities, and counties have considered ordinances, with a few having passed laws banning cell phone usage in some manner.

Eleven states have enacted some type of restrictions regarding cell phone usage while driving. For example, Arizona prohibits bus drivers from using a cell phone while operating a bus. Florida has a specific law concerning cell phones with head sets, stipulating that the head set allow outside sounds to be heard through at least one ear. New Jersey does not allow drivers under age 21 with a learner's permit to use a cell phone while driving. New York's law, enacted in 2001, is the most extensive. This state forbids drivers from talking on hand-held cell phones

while operating a vehicle, despite numerous studies that indicate the enhanced risk is the same for hand-held phones and hands-free phones.

At least 24 countries have restricted the use, in some way, of cellular phones in cars. More than a dozen countries, such as Australia, Brazil, Spain, and Switzerland, prohibit the use of hand-held cell phones while driving. Israel, Japan, Portugal, and Singapore prohibit all cell phone usage while driving. Drivers in the Czech Republic, France, the Netherlands, and the United Kingdom may face fines if they cause crashes while using cell phones. Drivers in the United Kingdom and Germany can lose automobile insurance coverage if they cause a crash while using a cell phone.<sup>19</sup>

In 2001, United States Senator Jon Corzine and U.S. Representative Gary Ackerman introduced a bill that would have severely restricted cell phone usage for drivers; the bill subsequently died in committee. The NCSL acknowledges that federal law clearly governs equipment embedded in automobiles. But driver behavior "is a state issue. States, rather than the federal government or . . . the local jurisdictions . . . should decide whether to regulate the use of wireless telephones and other communications, information, and entertainment technology in motor vehicles."<sup>20</sup> However, the difficulty with implementing local laws is that many out-of-town motorists would be unaware of such laws.

The NCSL wisely recommends that all states should collect data about cell phone involvement in auto accidents in a uniform manner. This may result in a better understanding of the extent of the problem. States should also include information about driver distractions and technology devices in all driver education programs. In addition, the federal government and states should work together on the issue of driver education. The NCSL also contends that better enforcement of driver distractions with current laws is warranted.

The laws have different names such as negligent, careless, inattentive or improper driving, or driving without reasonable control of the vehicle. Generally, these laws give law enforcement officers broad discretion to cite motorists for any behavior—such as eating, drinking beverages, using a CD player, or using a cell phone—that causes hazardous driving. According to the industry position, enforcement against careless driving may be the best method to resolve the issue of driver distraction. The laws target the improper operation of a motor vehicle. Moreover, many of these laws already exist and the application of the law is well-established.<sup>21</sup>

The NCSL currently believes that any type of cell phone ban for drivers is premature and unwarranted.

Another regulatory issue concerns First Amendment rights under the Constitution. In the U.S. House of Representative hearings on this issue in 2001, several congressmen expressed concerns about the conflict between certain types of legislation and the Freedom of Speech Amendment. Representative Robert Simmons believes that the basic standard on speech would apply.

Safe speech is protected, and dangerous speech is not. If you are speaking on the cell phone and it creates a hazard, then you should be susceptible under the reckless driving statute to being stopped, arrested, and ticketed . . . But essentially your right to use a cell phone ends where my bumper begins.<sup>22</sup>

Some legal experts believe that the First Amendment concerns about this issue are moot because the amendment is meant to regulate content, not time, place, or manner restrictions. For example, courts have upheld that a person cannot broadcast on police frequencies.<sup>23</sup> Others believe that the amendment can be applied to time, place, or manner.

## Engineering a Solution

While legislation does not provide an easy answer, there are a number of steps that can be taken to mitigate dangerous cell phone usage by drivers. One potential area involves automotive telematics: the use of computers and telecommunications to enhance the functionality of motor vehicles, such as wireless data applications in cars and trucks. This development is important since some simulated driving studies indicate that hands-free phones are slightly safer than hand-held devices. There are many documented cases in which the driver admitted to causing an accident when he or she dialed or reached for the phone. Telematics may be useful in decreasing these types of accidents.

In 2002, a group of engineers from Chrysler, IBM, and AT&T Wireless introduced a simple method for talking hands-free on the cell phone in a car.<sup>24</sup> This technology uses special radio frequencies to enable hand-held cell phones to communicate with the "head unit" in the car's dashboard, which stores and processes simple voice recognition commands. With this technology, drivers can simply lay their hand-held phones on the front seat of the car while they converse. This allows the phone to synchronize with the vehicle architecture over radio frequencies. Using it, drivers will be able to talk through a microphone located near the rear-view mirror, and listen to their phone conversations through the vehicle's speakers. Many other automobile manufacturers are also developing telematic systems.

Telematics has even broader implications. Some new cars are equipped with an electronic feature that calls for emergency help when sensors recognize an airbag has been deployed. Advances in intelligent transportation solutions will be able to assist motorists with traffic congestion. Onboard navigation systems using global positioning systems have made great improvements during the last few years. It is conceivable that cars of the future could receive an alert of congestion, have an on-board computer process the information and compute an alternative

route, and then give the motorist directions over the automobile's radio.

## Driver Education

Another key area to address concerning this issue is driver education. It is essential that drivers be aware of the hazards of using cell phones while driving. Some safety experts offer safe cell phone usage tips. See Table 1.

Possible venues for communicating these safety tips are driver education and defensive driving courses and public service announcements.<sup>25</sup>

## Conclusion

The issue of cell phone usage while driving is an emotional, complicated, and many-sided one. One of the problems is the lack of uniform information about the involvement of cell phone usage on automobile accidents. Only a few states require this information on police reports. The NHTSA, with the help of Congress, should make a stronger effort to compel states to include this information on police reports and provide guidelines concerning uniform ways to report this information. This accomplishment will assist researchers and regulators in understanding the extent of the problem. However, with the limited and weak data currently available, more regulations concerning any type of cell phone ban by

drivers are unwise and unwarranted. Stricter enforcement of existing driving laws, improved data collection regarding cell phone involvement in auto accidents, advancements in telematics, and widespread driver education are the current solutions. ■

## Endnotes

18. National Conference of State Legislatures, *Along for the Ride: Reducing Driver Distractions*, 2002.
19. Dusty Horwitt, "Driving While Distracted: How Should Legislators Regulate Cell Phone Use Behind the Wheel?" *Journal of Legislation* 28, No. 1 (2002).
20. "Yada, Yada, Yada," *Economist* 359 (2001): 8228.
21. National Conference of State Legislatures, *Along for the Ride: Reducing Driver Distractions*, 2002.
22. House Committee on Transportation and Infrastructure, *Driver Distractions: Electronic Devices in the Automobile: Hearing before the Subcommittee on Highways and Transit of the Committee on Transportation and Infrastructure*, May 9, 2001.
23. Mark Rosen, "Freedom of Speech," Legislative Reference Bureau, Oct. 2002.
24. Dan Joseph, "In-Car Communications Aim for Universal Approach," *Design News* 57, No. 19 (2002).
25. Betsy Dru Tecco, "Staying Connected: How to Use Cell Phones Safely," *Current Health* 28, No. 6 (2002).

### Table 1 Safe Cell Phone Usage Tips

1. Drivers should wait until the car trip is complete before placing a call. The voice mail should answer a call while the person is driving.
2. Absolutely essential calls should only be performed while stopped. However, it is not wise to pull over on the side of the road, where a rear-end collision is possible. Instead, the driver should pull into a parking lot to perform this task.
3. The phone should be placed where it is easy to see and reach.
4. The driver should take advantage of speed dialing capabilities.
5. The driver should never drive during stressful, emotional, or complex discussions, as the risk of an accident is heightened.

# It's All About Choices . . .

by Ronald D. McNeil

■ **Ronald D. McNeil** is senior vice president, Protection Distribution for Allstate Insurance Co., and a member of the Allstate senior management team. As senior vice president, McNeil is responsible for the success of Allstate's proprietary and non-proprietary distribution channels. McNeil joined Allstate in 1976. He has held numerous positions over the years, primarily in the financial area, in the company's field and home offices. McNeil serves on the boards for the Lake Forest Graduate School of Business and Turner, Harper & Associates. He is also an advisor for the NIIA and a director for the Sterling Collision Center.

**Editor's Note:** On November 13, 2003, Ronald D. McNeil, senior vice president of Allstate Insurance Co., delivered the keynote address at the CPCU Society Chicago, Chicago-Northwest Suburban, and Chicago-West Suburban Chapters' conferment ceremony. While his message was originally intended for the new designees, it is a particularly fitting message for all CPCUs, particularly as we begin a new year. Below are excerpts from his speech.

**F**irst, and most important, congratulations to each and every one of you. You've done the work and won the reward. It didn't happen overnight. And it didn't happen by chance. Years ago, you made a choice to work in our industry. A commitment. More recently, you made a choice to pursue your CPCU. That was an even bigger commitment.

Life is all about choices. And I believe the four most important ones a person can make are choosing to learn . . . choosing to contribute . . . choosing to share . . . and choosing to lead.

You and your fellow conferees obviously made good choices. You chose to learn, by completing a most rigorous professional education program.

You chose to contribute, by joining an organization that safeguards the standards

and promotes the advancement of our industry.

You chose to share, by taking what you've learned here back to your colleagues and your company.

And you chose to lead. All of you already hold highly responsible positions. But the courses you took . . . not just on technical issues, but on management subjects as well . . . will make you even better leaders down the road.

So I congratulate you on the choice—and the commitment—to earn your CPCU designation. But I also challenge you. To continue making the right choices as you go forward in your lives and your careers.

## *First, I challenge you to keep learning.*

Think of how much change the world has witnessed in less than a lifetime:

- A little over 50 years ago, scientists were just beginning to describe the DNA double helix. Today we've mapped the entire human genome.
- A little over 50 years ago, the world's first all-purpose electronic digital computer was the size of a small house, weighed 30 tons and could perform 5,000 calculations per second. Today's supercomputers can perform billions of calculations per second.

Everything a human being can think or say in an entire lifetime can be sent around the world in seven seconds. But no matter how much computer capacity increases, the human brain will always have more. Our capacity actually increases as we age. In some animals, 98 percent of the brain is fully developed at birth. In humans, it's only about 38 percent. Throughout our lives, our brains just keep getting bigger and better. That's good, because change keeps coming at all of us with the speed of a Roger Clemens' fastball. We have to react as quickly as a batter in the box. And we have to anticipate where the next pitch might be coming from.

The chance to keep learning, to keep growing, is the ultimate benefit this organization offers. Isn't that why you

invested in this program to begin with—to increase your intellectual capital?

By staying active in the CPCU Society and by taking advantage of all the learning opportunities it offers, you are making sure that "money in the bank" continues to earn interest. And, it will continue to pay dividends throughout your career.

■ **By staying active in the CPCU Society and by taking advantage of the all the learning opportunities it offers, you are making sure that "money in the bank" continues to earn interest. And it will continue to pay dividends throughout your career.**

## *Second, I challenge you to keep contributing.*

We all work in a great business. One that's absolutely essential to our economy, to our communities, and to our way of life. Without insurance, businesses could never get started. Who would take the risk?

Without insurance, families couldn't buy a home or a car, or plan for secure retirements.

Insurance makes dreams possible. Insurance makes America work.

But our industry faces challenges too. Ours is a world where the risks seem suddenly magnified. Ours is a business where more than 3,000 companies are vying for attention—with more trying to crash the party every day.

To help chart a successful future, we need critical thinkers, not conventional thinkers. People who can analyze and understand the choices our industry faces—before we make them.

Here again, this organization can help. I know people who, once they earned their CPCU certificates, hung them on their

office walls and forgot about them. Those people passed up some incredible opportunities.

One example: Only about one in five CPCU conferees are members of sections. Yet the benefits of section membership are significant in terms of sharing ideas and insights and broadening perspectives.

Tomorrow morning, when you sign a letter or send an e-mail, you can proudly put those initials after your signature. CPCU. It's a recognized sign of respect. It's a well-earned honor.

But the greatest title after your name, the one that you never want to lose, is even simpler. It's one word—"student."

Continue to be a student of the business. Continue to contribute to the health of our industry.

#### ***Third, I challenge you to keep sharing.***

Share with others in this organization. You can do this in ways such as volunteering for mentoring programs, serving as instructors, or by taking advantage of the significant networking opportunities. Keep sharing with others outside this organization too.

Our industry is famous for its commitment to communities. A recent study showed that 44 percent of our industry's employees are involved in volunteer work. That's far more than any other industry. Everywhere you go in America, insurance people are working to improve the quality of life in cities and towns. They're raising money, serving on nonprofit boards, delivering food, and rehabbing neighborhoods.

Be a part of that bigger picture. Make a commitment. Make a difference.

#### ***Fourth, I challenge you to keep leading.***

Specifically, I challenge you to be a steward of our industry.

Some of you are already officers of your respective companies. I tell new officers at Allstate that they're taking on three distinct roles.

The first is a *functional* role. You are responsible for your area of expertise and for everyone who works there.

The second is a *corporate* role. You're responsible for making the business as a

whole successful. You're expected to see—and to seize—opportunities.

The third is a *stewardship* role. I describe it as a sense of personal accountability to everyone who relies on the company—shareholders, customers, employees. You can't be indifferent to anything. You can never again say, "That's not my job." In short, when you become an officer, you sign on for something extra.

Once upon a time I was a policeman in Detroit. Do you know why they're called "officers"? It's not just because it sounds better than "cops." It's because they are "officers of the court."

As an officer, you're sworn to higher standards. You accept added responsibilities. You commit to something larger than yourself. And you're never really off duty.

It's the same with getting your CPCU. When you swore that CPCU oath, you became an officer of our industry. You took on added responsibilities.

Those responsibilities include upholding our industry's ideals.

All of us here are in the promise business. That's all we sell. And if people can't trust us to keep our promises, to do the right thing, then we have no business being in this business.

Being an officer of the industry makes you a role model. Ethics and integrity are an important part of what it means to be a CPCU.

So embrace that leadership role. Understand it's more than just a job. Make yourself and your business better every day. And help others do the same. Those are my challenges to you going forward.

In deciding to complete your CPCU program, you made an outstanding choice. You made a tremendous commitment.

Now the commitment really begins. On behalf of your colleagues, your companies and your customers, thank you for becoming an officer of our industry. ■



## Save the Date!

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Look for future issues of *Personally Speaking* for more information about Personal Lines Section-sponsored seminars.

# Engineering Exposures to Increase Underwriting Profits—Follow Up

by John T. Gilleland Jr., CPCU, AIS, API, AU and Jason Northrup, CPCU

**John T. Gilleland Jr., CPCU, AIS, API, AU**, is a personal and commercial lines sales professional.

**Jason Northrup, CPCU**, is a personal lines region underwriter and is a 2003 CPCU designee.

In the September 2003 issue of *Personally Speaking*, we featured an article titled "Engineering Exposures to Increase Underwriting Profits." You were challenged by five different scenarios to come up with possible solutions to illustrate how exposures can be engineered so underwriters can say "yes" to applicants and renew insureds more often. The scenarios were designed to show how unattractive exposures can be made acceptable or at least tolerated by using one or more of the five exposure engineering techniques:

- loss exposure reduction
- addition of risk insulation
- physical condition modification
- policy premium modification
- coverage modification

Listed below are possible solutions to the scenarios posed. How well did you do?

## #1: Insulation from Liability and Property Exposures

A prospect for a homeowners program is eligible and acceptable in every way but one. The home is on the same 50 acres as a cattle ranch.

### Possible Solution:

The service representative should agree to insure the home's exposure if:

- The cattle ranch operation should be covered by appropriate farm/agricultural insurance for liability and property exposures. Try to secure coverage from a source verified easily.



- Proof of cattle ranch operation coverage must be received prior to HO-3 issuance or during the HO-3's insurer's discovery period.

## #2: Insulation from Liability Exposures

A prospect for a homeowners program is eligible and acceptable in every way but one. The home is on the same 50 acres as 30 head of cattle, owned by a grazing-rights lessee.

### Possible Solution:

The service representative should:

- Agree to issue coverage for all but the liability associated with the cattle.
- Require receipt of proof of the insured being named as an additional insured on the lessee's livestock liability policy before issuing coverage for the HO-3. Alternatively, the prospect should be referred to a farm and ranch insurer.
- Require a copy of the lease agreement's page showing lessee is required to maintain the insured's fences, etc.

## #3: Insulation from Liability Exposures

An insured in a homeowners or renters program should be renewed because the risk's exposures are acceptable in every way but one. A claims adjuster reported to the insurer the insured plans to buy either a Presa Canario-mastiff or a Fila Brasileiro. (Research the breed's characteristics before continuing to negotiate with the prospect.)

### Possible Solution:

The service representative should:

- Explain the policy will be renewed as it has been set up. The homeowners policy does not exclude coverage for pet liability. However, claims activity involving injury caused by animals can jeopardize future coverage.
- Ask the insured to consider purchasing pet liability insurance and animal mortality coverage.

## #4: Insulation from Liability Exposures

An insured in an insurer's homeowners or renters program should be renewed because the risk's exposures are acceptable in every way but one. The insured called stating he will serve a term as a board member at his local private college and he wants "non-profit organization Directors & Officers (D&O) liability" to cover liability incurred from things like employment practices/decisions.

### Possible Solution:

The underwriter should:

- Explain the homeowners policy does not cover D&O liability and it will be renewed as it has been set up.
- Refer the insured to a commercial insurer for Directors & Officers coverage.

## #5: Modification of Coverage and Addition of Other Coverage

An insured in a homeowners or renters program should be renewed because the risk's exposures are acceptable in every way but one. A claims adjuster reported to an underwriter the insured has two businesses in the home:

- The husband sells holistic medicines.
- The wife has an accounting and tax practice.

### Possible Solution

The underwriter should:

- Explain what types of business activities the underwriter's homeowners or renters policy covers.
- Explain the insurer's in-home business endorsement cannot be added to any residence with more than one business.
- Explain sale of medicine is not eligible for the endorsement.

## Conclusion

The process of engineering a risk to make it acceptable to all stakeholders requires contract knowledge, risk exposure management knowledge, and personal imagination. An underwriter's ability to grow a book of business and be successful (and thus profitable) is either limited or facilitated by the individual underwriter's continuance of education, personal attitude, and life experience. An underwriter can take the easy road and decline "out of the ordinary" risks that hit his or her desk but this behavior defeats the ultimate goal of underwriting. By following the steps illustrated in this article, however, a valued underwriter can grow a profitable book of business if he or she takes time to:

- Gather enough information to make an informed decision.
- Evaluate all possible alternatives.
- Make an educated decision that can become a win/win solution to all concerned parties.
- Negotiate an action plan with concerned stakeholders.
- Follow up to learn and work smarter. ■

**Editor's Note:** If you had different solutions to the above scenarios or would like to pose additional situations to our readers, please let me hear from you. Thank you.

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# Who's Managing Your Success?

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8 – 11:30 a.m.  
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Noon – 1 p.m.  
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1 – 4 p.m.  
◆ Delivering Compelling Messages to Your Staff

1 – 4:30 p.m.  
◆ Time Management—Managing the Only Non-Renewable Resource

5 – 6 p.m.  
◆ Reception

### Friday, April 23

8 – 11:30 a.m.  
◆ Developing Resilience in a Rapidly Changing World

◆ Time Management—Managing the Only Non-Renewable Resource

8 a.m. – 4 p.m.  
◆ Effective Communication Skills  
◆ Practical Techniques for Project Management  
◆ Finance for Nonfinancial Managers  
◆ Facilitative Leadership Skills  
◆ Managing Conflict in the Workplace

Noon – 1 p.m.  
◆ Friday Leadership Luncheon

1 – 4 p.m.  
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### Personally Speaking

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