



## Current Articles 2004 - June

### **OPCF4A – Permission to carry explosives**

Recently a non insurance friend forwarded to me an account from a radio program alleged to be a true report of an incident in Minnesota. It was also heard in Michigan. Whether it be true or not it is a good story and from which we can use in our risk analysis process for automobile clients.

A guy buys a brand new Lincoln Navigator truck for \$42,500 (US) and has monthly payments of \$560. He and a friend go duck hunting in winter and ,of course, all the lakes are frozen. To prepare for their duck hunting, these two guys go out on the lake with their guns, a dog, and the new vehicle.

Now, they want to make some kind of a natural landing area for the ducks, for the decoy to float on. In order to make a hole large enough to look like something a wandering duck would fly down and land on, it's going to take a little more effort than an ice hole drill. So, out of the back of the new Navigator truck comes one of their sticks of dynamite with a short 40-second fuse.

These two "rocket scientists" do take into consideration that they want to place the stick of dynamite on the ice at a location far away from where they (and the new Navigator) are standing. They don't want to take the risk of slipping on the ice when they run from the burning fuse and possibly go up in smoke with the resulting blast. They light the 40- second fuse and throw the dynamite.

Now remember the paragraph above when I mentioned the vehicle, the guns, and the dog?? Let's talk about the dog. A highly trained Black Lab used for RETRIEVING, especially things thrown by the owner.

You guessed it. The dog takes off at a high rate of doggy speed on the ice and captures the stick of dynamite with the burning 40-second fuse about the time it hits the ice. The two men yell, scream, wave their arms and wonder what to do now.

The dog, cheered on by the yells are arm waving, keeps coming. One of the two grabs a shotgun and shoots the dog. But the shotgun is loaded with #8 buckshot, hardly big enough to stop a Black Lab. The dog stops for a moment, slightly confused, but continues on. Another shot and this time the dog, still standing, becomes really confused and of course terrified, thinking these two geniuses have gone insane.

The dog takes off to find cover, under the brand new Navigator truck. The men continue to yell as they run. The exhaust pipe on the truck is still hot, so the dog yelps and drops the dynamite under the truck, and takes off after his master.

Then –BOOM – the truck is blown to bits and sinks to the bottom of the lake in a very large hole, leaving the two idiots standing there with this "I can't believe this happened " look on their faces.

Their insurance company denied the claim (Minnesota policy). The owner has yet to make the first of those \$560. a month payments !!! And you thought your day was not going well!!!

Now coming back to Ontario, the OAP 1 under section 1.8.1 has an exclusion if "the automobile is used to carry explosives or radioactive material". There is also a question on the application regarding carrying explosives. In order to include the carrying of explosives, the policy must be endorsed with the OPCF 4A – Permission to Carry Explosives which would then extend coverage for the Liability and Loss or Damage Sections.

Duck hunting on the ice may be over for this winter but how many of your clients go duck hunting. Do they carry explosives? Have you asked? Did you make them aware of the exclusion? Without disclosure to the client of the explosives exclusion, do you think the client may have an E & O claim? And what might be the defense for the broker?

Have a good summer and get to know your duck hunters!!!

**James E. Bonnay,**  
C.I.P., C.C.I.B.  
Insurance Consultant

Phone 905-333-1727  
Fax 905-333-0683  
E-mail - jamesbonnay@cogeco.ca