

CFSA'S INSURANCE GUIDELINES

All events taking place on your fairgrounds require an examination of the liability potential. Adverse exposure is minimized through the requirement of liability insurance. A fair reduces its liability by requiring vendors and other contractors providing services to California's fairs to provide proof of insurance coverage, including general liability coverage, prior to performing work at fairgrounds.

California Fair Services Authority (CFSA) requires that all vendors and contractors name the fairs and the State of California as additional insureds under general liability policies. Certificates of insurance are accepted as proof of coverage except for carnival ride operators who must provide copies of actual insurance policies. CFSA assists member fairs by determining adequacy of insurance certificates or insurance policies submitted with fair contracts for review.

Proper contract administration is one of the most effective ways fairs can control their self-insurance costs. With correct additional insured language, CFSA has the ability to tender a claim to the insurance company for a vendor operating in the area of the accident to cover the cost of a claim and also defend the fair.

Why is proof of coverage so important?

When acceptable proof of coverage is obtained, it protects you, your fair, and the risk pool. The purpose is to transfer as much risk as possible to outside coverage for the benefit of your fair and the entire pool. It helps CFSA and other entities identify the responsible party.

Limits are important because when the contractor's primary layer of coverage is inadequate, the CFSA liability program has to respond on behalf of the fair as the next level of protection. A fair contractor's primary layer of coverage must be adequate to protect both the contractor and the fair from the foreseeable claims arising out of the contractor's operations. Also, if the required additional insured language is incorrect or non-existent, the CFSA liability program is exposed as the primary level of protection. **The CFSA liability pool is not funded to provide primary protection for fair contractor's operations.**

Who should provide proof of general liability insurance coverage?

There are risks involved in ALL uses of fair facilities. CFSA requires proof of outside insurance coverage from renters and contractors of fair facilities to protect the fair and the risk pool.

Following is a list of events or activities that require outside commercial insurance coverage:

- **Animals:** All types of events, including but not limited to circuses, pony and other animal rides, petting zoos, pig races (or other animal), dog show/training/obedience classes, horse-drawn refuse collection, and horse pulled hay rides.
- **Athletic Events, Competitive:** All types.

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- **Buildings:** Major repair, major alterations, new construction of buildings, excavation, drilling, demolition, modular buildings, and portable structures.
- **Building & Grounds Maintenance:** Janitorial services, cleaning service, window cleaning, carpet cleaning, landscaping, tree trimming/removal.
- **Business Services:** Accounting services, advertising agencies, booking agencies, public relations, fair consulting services, admissions management, computer/IT services, exhibitor entry and auction data processing, and other similar services.
- **Carnival Rides, Orbitrons, Simulators**
- **Concerts (Non-Rave type events)**
- **Elevator Maintenance**
- **Equestrian Events:** All types of competitive events, including but not limited to jousting, cutting and reining horses (training and lessons), gymkhana, team penning, team roping, barrel racing, dressage and show jumping.
- **Extreme Attractions:** All types, including but not limited to bungee attractions, ejection seat, sky scrapers, free fall attractions, quad jumpers, orbitrons, simulators or similar attractions requiring a Cal OSHA permit to operate.
- **Entertainment:** Trapeze, spin wheel or acrobat acts, tight rope, boxing matches, wrestling, strolling acts, stiltwalkers, clowns and hypnotists.
- **Equipment (High Rise):** Sound/lights, tents, bleachers, portable stages, and scaffolding.
- **Fireworks Exhibitions**
- **Food Concessionaires**
- **Hazardous Substances:** Treatment, removal, storage or any other handling of any hazardous substances, including but not limited to toxic and petroleum waste and asbestos.
- **Medical Services:** EMT, first aid services, and ambulance services
- **Mechanical Bulls**
- **Miscellaneous:** Dunk tanks, tattooing, body piercing, parachuting, bouncy balloons, bounce houses, trampolines, rock climbing wall, foam parties, water wars, water balloon fights, circus, wheelchair and stroller rental.
- **Motorized Events:** Automobile races, motorcycle races including arena-style motocross, motorcycle exhibitions, truck rodeos, tractor/truck pulls, destruction derbies, RV destruction derbies, mud bogs, mud racing, go cart races, car crunches, monster truck shows, motorized thrill shows, drifting exhibitions and lawnmower races.
- **Parades**
- **Parking Services**
- **Rave Type Events:** Any dance or concert which extends beyond midnight.
- **Receptions, Social Gatherings:** All types where food or liquor is served or where over 100 attendees
- **Rodeo Events, all types**
- **RV Rallies**
- **Sanitation Services:** portable restrooms/showers, hand-washing stations.
- **Security:** Public and Private
- **Sewer Lines, Maintenance and/or Installation**
- **Shows, Flea Markets:** All types, including but not limited to boat shows, car shows, coin shows, craft/ceramic shows, doll shows, flea markets, flower shows, gem and mineral shows, gun shows, home and garden shows, RV show and sales, sports car shows, swap meets, and trade shows.

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- **Sports Activities:** Rifle or gun club activities, archery practice, skeet range, golf driving ranges, laser tag and paint ball.
- **Spraying:** Pest control, fumigation, crop or agricultural spraying and application.
- **Transporting:** All types, including but not limited to helicopter, stage coach, horse-pulled hay rides, trackless trains, hot air balloons, any aircraft (fixed wing or rotor), watercraft, and armored car service.
- **Wheeled Events:** All types, including but not limited to roller derbies, roller skating, in-line skating, hockey, scooters, skateboards, bicycles and BMX event.s

When is insurance coverage not required?

The following events or activities are exempt from the requirements to provide proof of outside commercial insurance coverage, however, the indemnity provisions of the contract will apply:

- Individual recreational vehicles and motorized campers where evidence of current comprehensive personal liability or auto liability coverage is shown (exemption applies only if the restroom and shower are the only facilities being used and not the fair buildings).
- Boarding of horses for overnight stays or in-and-out one day usage of the facility and boarding of individually owned pleasure horses on a long-term basis when no professional training is involved and evidence of home owners' or farm owners' insurance coverage is provided.
- Exhibits or booths for governmental organizations which are educational or informational in nature, and no product or service is sold or orders for such are taken. This exemption doesn't apply if any service is provide, including but not limited to, free blood pressure checking, cosmetic application, manicures, etc. Political booths are not exempt.

How much coverage is required?

- Commercial general liability coverage, on an occurrence basis, is required as follows
 - \$5,000,000 combined single limits per occurrence for fairtime carnival rides
 - \$5,000,000 combined single limits per occurrence for all motorized events including but not limited to automobile races, motorcycle races including arena-style motocross, motorcycle exhibitions, truck rodeos, tractor/truck pulls, destruction derbies, RV destruction derbies, mud bogs, mud racing, go cart races, car crunches, monster truck shows, motorized thrill shows, drifting exhibitions and lawnmower races
 - \$3,000,000 combined single limits per occurrence for rodeo events all types **with a paid gate and any rough stock events such as bull riding, bareback and saddle bronc.**

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How much coverage is required? (cont'd)

- \$2,000,000 combined single limits per occurrence for interim carnival rides, fairtime kiddie carnival rides, cannabis festivals, rave type events, concerts with over 5,000 attendees, mechanical bulls, extreme attractions all types, orbitrons and simulators, and rodeos all types **without a paid gate and any rough stock events such as bull riding, bareback and saddle bronc.**
- \$1,000,000 combined single limits per occurrence for all other contracts for which liability insurance is required.

What should the insurance certificate contain?

The contractor/renter must provide the fair with a signed original certificate of insurance (the ACORD form is acceptable) containing the following*:

- **List as the Additional Insured:** “That the State of California, the District Agricultural Association, County Fair, the County in which the County Fair is located, Lessor/Sublessor if fair site is leased/subleased, Citrus Fruit Fair, or California Exposition and State Fair, or Entities (public or non-profit) operating California Designated agricultural fairs, their directors, officers, agents, servants, and employees are made additional insured, but only insofar as the operations under this contract are concerned.”
- **Dates:** The dates of inception and expiration of the insurance. For individual events, the specific dates of the event must be listed. Set up and tear down dates must be included.
- **Cancellation Notice:** Notice of cancellation of the listed policy or policies shall be sent to the Certificate Holder in accordance with policy provisions.
- **Certificate holder:**
For individual events only - Fair is listed as the certificate holder.
For Master Insurance Certificates only - California Fair Services Authority, Attention Risk Management, 1776 Tribute Road, Suite 100, Sacramento, CA 95815 is listed as the certificate holder.

*Refer to CFSA's Insurance Requirements for a comprehensive listing of all certificate requirements. (Located in General Liability Section Tab 3).

What is a Master Insurance Certificate?

A master insurance certificate establishes a contractor's proof of liability insurance for every new contract within a one-year policy period. CFSA recommends that fairs encourage contractors to obtain master insurance certificates whenever possible.

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All master certificates are kept on file at CFSA. CFSA is responsible for updating and distributing the "Master Insurance Certification List" for all activities on a monthly basis. When a contractor has a master certificate on file with CFSA, attach a copy of that certification as part of the contract package.

When isn't an insurance certificate required?

- When the contractor/renter purchases protection through CFSA's Special Events Program.
- When the contractor/renter has submitted a master certificate of insurance which has been approved and is on file with CFSA.

How does your fair make sure a contractor complies with CFSA's insurance requirements?

CFSA issues Insurance Requirements which have replaced the old Form FE-13 Insurance Statement. These CFSA Insurance Requirements must be made a part of every bid package and all STATE AND COUNTY fair contracts and rental agreements.

The contractor/renter must provide the fair with a signed original certificate of insurance (the ACORD form is acceptable), for the term of the agreement protecting the legal liability of the fair from occurrences related to operations under the contract.

If your contractor's certificate expires prior to the contract start date, or the term of the contract extends beyond the term of the certificate on file, it is the fair's responsibility for obtaining a new master certificate to be submitted to CFSA.

What events and activities are considered hazardous and what are the minimum general liability requirements for such events?

CFSA has put together the following list of events and activities that are hazardous and require outside coverage. All hazardous contracts must be sent into CFSA for review and verification of insurance requirements.

MINIMUM GENERAL LIABILITY INSURANCE LIMITS

\$5,000,000

- **Fairtime Carnival Rides**
- **Motorized Events:** automobile races, motorcycle races including arena-style motocross, motorcycle exhibitions, truck rodeos, tractor/truck pulls, destruction derbies, RV destruction derbies, mud bogs, mud racing, go cart races, car crunches, monster truck shows, motorized thrill shows, drifting exhibitions and lawnmower races.

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\$3,000,000

- **Rodeo Events:** All types **with a paid gate** and any rough stock events, such as bull riding, bareback and saddle bronc.

\$2,000,000

- **Interim Carnival Rides**
- **Fairtime Kiddie Carnival Rides:** Up to 6 kiddie rides
- **Cannabis/Marijuana Festivals**
- **Concerts:** over 5,000 Attendees
- **Dances:** over 5,000 Attendees
- **Mechanical Bulls**
- **Extreme Attractions:** All types, including but not limited to bungee attractions, ejection seats, sky scrapers, free fall attractions, quad jumpers or similar attractions requiring a Cal OSHA permit to operate.
- **Rave Type Events:** any dance or concert which extends beyond midnight.
- **Rodeo Events:** All types **without a paid gate** and with any rough stock events, such as bull riding, bareback or saddle bronc.
- **Simulators**

\$1,000,000

- **Animals:** All types of events, including but not limited to circuses, pony and other animal rides, petting zoos, pig races (or other animal), dog training/obedience classes, horse-drawn refuse collection, and horse-pulled hay rides.
- **Athletic Events, Competitive:** All types.
- **Buildings:** Major repair, major alterations, new construction of buildings, excavation, drilling, demolition, modular buildings and portable structures.
- **Building & Grounds Maintenance:** Janitorial service, cleaning service, window cleaning, carpet cleaning, landscaping, and tree trimming/removal.
- **Concerts (Non-Rave Events):** under 5,000 Attendees.

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- **Drones**
- **Elevator Maintenance**
- **Entertainment:** Trapeze, spin wheel or acrobat acts, tight rope, boxing matches, wrestling, strolling acts, stilt walkers, clowns and hypnotists.
- **Equestrian Events:** All types of competitive events, including but not limited to jousting, cutting and reining horses (training and lessons), gymkhana, team penning, team roping, barrel racing, dressage and show jumping.
- **Equipment (High Rise):** Sound/lights, tents, bleachers, portable stages and scaffolding.
- **Fireworks Exhibitions**
- **Hazardous Substances:** Treatment, removal, storage or any other handling of any hazardous substances, including but not limited to toxic and petroleum waste and asbestos.
- **Medical Services:** EMT, first aid services and ambulance services.
- **Miscellaneous:** Dunk tanks, tattooing, body piercing, parachuting, bouncy balloons, bounce houses, trampolines, rock climbing wall, foam parties, water wars, water balloon fights, circus, wheelchair and stroller rental.
- **Parades**
- **Parking Services**
- **Rodeo Events:** All types of events without any rough stock events, such as bull riding, bareback or saddle bronc.
- **Sanitation Services:** Portable restrooms/showers, hand-washing stations.
- **Security:** Public and private.
- **Sewer Lines, Maintenance and/or Installation**
- **Sport Activities:** Rifle or gun club activities, archery practice, skeet range, golf driving ranges, laser tag and paint ball.
- **Spraying:** Pest control, fumigation, crop or agricultural spraying and application.
- **Transporting:** All types, including but not limited to helicopter, stage coach, horse-pulled hay rides, trackless trains, hot air balloons, any aircraft (fixed wing or rotor), watercraft and armored car service.

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- **Wheeled Events:** All types, including but not limited to roller derbies, roller skating, in-line skating, hockey, scooters, skateboards, bicycles and BMX events.

What events and activities are considered non-hazardous and what are the minimum general liability requirements for such events?

\$1,000,000

- **Antique Shows**
- **Arts/Crafts**
- **Auctions other than Animal**
- **Auto sales (no auto coverage)**
- **Banquets, Receptions, Social Gatherings:** All types where food or liquor is served or where there is over 100 attendees.
- **Barbecues/Picnics**
- **Bingo**
- **Birthdays**
- **Business Services:** Accounting services, advertising agencies, booking agencies, public relations, fair consulting services, admissions management, computer/IT services, exhibitor entry and auction data processing, and other similar services.
- **Car Shows**
- **Cattle & Horse Sales**
- **Commercial Concessionaires/Exhibitors**
- **Concerts (Non-Rave Events):** Under 5,000 attendees.
- **Conventions**
- **Dances:** Under 5,000 Attendees.
- **Dog Shows:** No training or obedience classes.

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\$1,000,000 (cont'd)

- **Equestrian Facility Use**
- **Exchange/Service Club Meetings**
- **Exhibitions**
- **Festivals**
- **Films/Lecturers**
- **Food and Beverage Concessionaires**
- **Funerals/Memorial Service**
- **Graduation/Ceremonies**
- **Health fairs**
- **Horse/Cattle Symposium**
- **Horse Shows:** Non-competitive or competitive horse shows being operated under State Rules, USA Equestrian (US Equestrian Federation) rules or Breed Association rules.
- **Independent Animal Exhibitor**
- **Instruction Classes/Aerobics (no participant coverage)**
- **Job Fairs/Business Expos**
- **Meetings**
- **Overnight Camping**
- **Performances/Theatrical (NOT CONCERTS) and Practices**
- **Reunions:** Family or class.
- **Retreats**
- **RV Rallies**
- **Seminars/Speaking Engagements**

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\$1,000,000 (cont'd)

- **Shows, Flea Markets:** All types including but not limited to boat shows, car shows, coin shows, craft/ceramic shows, doll shows, flea markets, flower shows, gem and mineral shows, gun shows, home and garden shows, RV show and sales, sports car shows, swap meets and trade shows.
- **Small Animal Shows & Clinics**
- **Sport Shows**
- **Stamp Shows**
- **Weddings/Receptions/Baptisms**

When is Liquor Liability coverage required?

Liquor Liability is required anytime alcohol is being sold. Any organization **selling and serving alcohol**, whether they are profit or non-profit, is required to show proof of liquor liability coverage in order to be protected from claims arising from the sale and consumption of alcoholic beverages by attendees of a covered event or activity. CFSA's Special Events Program offers \$1,000,000 Liquor Liability protection for an additional fee with prior approval.

Liquor Liability coverage is not required but is recommended by CFSA if alcoholic beverages are only being served but not sold. A social host who furnishes alcoholic beverages to any person may be held legally liable for damages arising from such consumption of alcoholic beverages.

When and why are participant liability waiver forms required?

Participant waiver forms are required to be used for all athletic team events, equestrian-related events, motorized events and rodeo events as well as other hazardous participant activities which might occur on your fairgrounds. Every participant in such events/activities must sign a waiver form **BEFORE** being permitted to participate in an event/activity. The participant waiver form is either the form required by the insurance company of contractor/renter or the Participant Release and Waiver of Liability Agreement form (located in General Liability Section Tab 3). **Fairs are required to keep the signed waivers on file for at least three years for all fair-sponsored events/activities.**

By signing the participant waiver form, the participant is agreeing to assume any and all risks of bodily injury, including death, or property damage that may arise out of the hazardous nature of the event/activity in which they elect to participate.

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What are the Insurance Requirements for Rave Type events?

Under General Liability Program Operating Memorandum #01-01 effective April 1, 2001, the minimum liability limits required for Concerts and Raves with over 5,000 attendees is \$2,000,000 per occurrence. Even for Raves with under 5,000 attendees, CFSA requires the \$2,000,000 per occurrence liability limits.

All rental agreements involving RAVE party events are considered hazardous contracts. As such, all agreements along with the required insurance certificate must be submitted to CFSA for an insurance compliance review at least two weeks prior to the event. This review ensures that a submitted certificate complies with CFSA Insurance Requirements, and further that a fair is protected from any claims arising from the RAVE party event.

What are the insurance requirements for fair-promoted motorized and rodeo events?

Under General Liability Program Operating Memorandum #06-03, effective June 1, 2006 (located in General Liability Section Tab 3), fairs that self-promote any motorized or rodeo event must obtain separate commercial liability insurance coverage for such an event. This coverage must meet the then current insurance requirements (minimum liability limits set for specific fair contractors) issued by CFSA. Your fair must maintain this coverage anytime a motorized or rodeo event occurs at your fairgrounds, and there is no promoter, contractor, or sponsor providing commercial liability coverage including, but not limited to, co-promotion arrangements.

What are the insurance requirements for Entertainment contracts?

The insurance requirements for entertainment contracts involve special conditions. The contracts for entertainment acts which do **not** involve the active participation of the audience in an act, such as a concert, are exempt from the requirements to include the Insurance Requirements form in the contracts and to submit the contracts to CFSA for contract review. However, if an entertainment act does involve the active participation of the audience in the act, such as a grounds act or hypnotist who invites participants from the audience onto the stage, the act is considered a hazardous activity and requires outside insurance coverage. Such entertainment contracts are required to include the Insurance Requirements in the contracts and to be sent into CFSA for review and verification of insurance requirements.

What are the special requirements for petting zoos?

Under General Liability Program Operating Memorandum #06-01, effective June 1, 2006 (located in General Liability Section Tab 3), established special requirements for protection of any claim or loss related to the operation of a petting zoo at your fair. For a contracted petting zoo, CFSA's advance approval of the petting zoo contractor's general liability insurance coverage is required. For a fair-sponsored petting zoo, your fair

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must provide advance notice to CFSA to allow for discussion and inspection of your petting zoo. This advance notification is to be provided to CFSA's Risk Control Supervisor at least 60 days or more prior to the start of your fair.

If there is no advance approval of a petting zoo operator's liability coverage or if there is no advance notification to CFSA of your fair-sponsored petting zoo, there is no protection for your fair under CFSA's General Liability Memorandum of Coverage for claims or losses related to the petting zoo.

What are some typical fairtime hazardous contracts?

Below is a list of possible fairtime hazardous contracts that should be sent in for approval no matter what the dollar amount.

\$5,000,000 per occurrence

- **Fairtime Carnival Rides** (includes book-in rides)
- **Motorized Events:** Automobile races, motorcycle races including arena-style motocross, motorcycle exhibitions, truck rodeos, tractor/truck pulls, destruction derbies, RV destruction derbies, mud bogs, mud racing, go cart races, car crunches, monster truck shows, motorized thrill shows, drifting exhibitions and lawnmower races.

\$3,000,000 per occurrence

- **Rodeo Events:** All Types **with a paid gate** and any rough stock events such as bull riding, bareback or saddle bronc, all types.

\$2,000,000 per occurrence

- **Fairtime Kiddie Carnival Rides:** Up to six kiddie rides (includes book-in rides)
- **Mechanical Bulls**
- **Extreme Attractions:** All types, including but not limited to bungee attractions, ejection seats, sky scrapers, free fall attractions, trampoline thing/quad jumpers or similar attractions requiring a Cal OSHA permit to operate.
- **Simulators**

\$1,000,000 per occurrence

- **Animals:** All types of events, including but not limited to circuses, pony and other animal rides, petting zoos, pig (or other animal) races, horse-drawn refuse collection, wild-animal exhibits and horse-pulled carriage/hay rides.
- **Entertainment:** Trapeze, spin wheel or acrobat acts, tight rope, boxing matches, wrestling, strolling acts, stilt walkers, clowns and hypnotists.

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\$1,000,000 (cont'd)

- **Equestrian Events:** All types of events, including but not limited to horse show, jousting, cutting and reining horses (training and lessons), gymkhana, team penning, team roping, barrel racing, dressage and show jumping.
- **Equipment:** Sound/lights, tents, bleachers, portable stages, portable toilets/port-a-potties, hand-washing stations, temporary/portable trailer rental and scaffolding.
- **Fireworks Exhibitions**
- **Medical Services:** EMT, first aid services, and ambulance services.
- **Miscellaneous:** Dunk tanks, tattooing, body piercing, parachuting, bouncy balloons, bounce houses, trampolines, rock climbing wall, water wars, water balloon fights, circus, wheelchair and stroller rental.
- **Parking Services**
- **Rodeo Events:** All types of events without any Rough Stock Events such as Bull Riding, Bareback or Saddle Bronc including barrel racing, team penning and roping.
- **Sanitation Services:** Portable restrooms/showers, hand-washing stations.
- **Security:** Public and private.
- **Transporting:** All types, including but not limited to helicopter, stage coach, horse-pulled hay rides, trackless trains, hot air balloons, any aircraft (fixed wing or rotor), watercraft, and armored car service.
- **Wheeled Events:** All types, including but not limited to roller derbies, roller skating, in-line skating, hockey, scooters, skateboards, bicycles, hoverboards and BMX events.