

**INSURANCE FORM FURNISHED AS EVIDENCE OF  
FINANCIAL RESPONSIBILITY IN RESPECT OF LIABILITY FOR  
DISCHARGE OF OIL UNDER § 62.1-44.34:16 OF THE CODE OF VIRGINIA  
AND SUBSECTION 9 VAC 25-101-50 A**

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(Name of Insurer)

(hereinafter "Insurer") hereby certifies that it is authorized to engage in the insurance business by the Commonwealth of Virginia and that for purposes of complying with the provisions of § 62.1-44.34:16 of the Code of Virginia and subsection 9 VAC 25-101-50 A of the Department of Environmental Quality's Tank Vessel Oil Discharge Contingency Plan and Financial Responsibility Requirements, each of the tank vessel operators specified in the schedules below is insured by it, in respect to each of the tank vessels respectively specified therein, against liability to the Commonwealth of Virginia to which such tank vessel operators could be subjected under Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia. The amount of liability insured herein is:

1. In the case of a tank vessel, \$500 per gross ton of such tank vessel.

The foregoing amount of insurance coverage provided by the Insurer on behalf of the Commonwealth of Virginia in respect to any tank vessel specified herein is not conditioned or dependent in any way upon any agreement or understanding between an assured operator and the Insurer that any such tank vessel will or will not carry oil, or will or will not operate in certain waters.

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(Name of Agent)

with offices located at \_\_\_\_\_  
is hereby designated as the Insurer's agent in the Commonwealth of Virginia for service of process for the purposes of Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia and implementing rules in 9 VAC 25-101-10 et seq. If the designated agent cannot be served due to his death, disability, or unavailability, the Clerk of the State Corporation Commission becomes the agent for service of process.

The Insurer consents to be sued directly in respect of any claim against any of the operators arising under Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia and implementing rules in 9 VAC 25-101-10 et seq.; provided, however, that in any such direct action its liability per tank vessel in any one incident shall not exceed \$500 per gross ton of such tank vessel. The Insurer shall be entitled to invoke only the rights and defenses permitted by § 62.1-44.34:18 of the Code of Virginia to the tank vessel operator.

The insurance evidenced by this undertaking shall be applicable only in relation to incidents occurring on or after the effective date before the termination date of this undertaking, and shall be applicable only to incidents giving rise to claims under Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia in respect to any of the below listed tank vessels.

The effective date of this undertaking shall, for each tank vessel listed below, be the date the tank vessel is named in or added to the schedules below. For each tank vessel, the termination date of this undertaking shall be 30 days after the date of receipt of written notice by the Department of

Environmental Quality that the Insurer has elected to terminate the insurance evidenced by this undertaking, and has so notified the operator.

However, for any tank vessel that is carrying oil in bulk as cargo that has been loaded before the scheduled date of termination, the termination shall not take effect (1) until completion of discharge of such cargo, or (2) until 60 days after the date of receipt by the Department of Environmental Quality of written notice that the Insurer has elected to terminate the insurance evidenced by this undertaking, whichever date is earlier.

Termination of this undertaking as to any tank vessel shall not affect the liability of the Insurer in connection with an incident occurring prior to the date such termination becomes effective.

If during the currency of this undertaking a below-named operator requests that an additional tank vessel be made subject to this undertaking and if the Insurer should accede to the request and should so notify the Department of Environmental Quality, then the tank vessel shall be included in the schedules below.

The definitions in section 9 VAC 25-101-10 shall apply to this undertaking.

I hereby certify that the wording of this instrument is identical to the wording in form number DEQ101-3.

Effective date of coverage for tank vessels named on this undertaking:

\_\_\_\_\_ day/month/year

\_\_\_\_\_ (Name of Insurer)

\_\_\_\_\_ (Mailing Address)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ (Signature of Official Signing on Behalf of Insurer)

\_\_\_\_\_ (Typed Name and Title of Signer)

SCHEDULE OF TANK VESSELS AND ASSURED OPERATORS

Tank Vessel	Gross Tons	Assured Operator
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