

General Liability and Automobile Insurance: Frequently Asked Questions

1. What does the UC liability insurance cover?

UC general liability insurance provides limited liability coverage for 4-H volunteers in cases where there are allegations of negligence on behalf of a volunteer who was acting within a volunteer capacity on behalf of UC, including allegations arising out of the supervision of people and general supervision of a UCCE/4-H-sponsored programmatic activity. Coverage will be determined on a case-by-case basis. The insurance does not provide coverage for any personal or real property that is not under the care, custody or control of the University. Examples could be ownership of animals, using one's home, ranch, garden or arena for a program.

2. What is difference between liability and accident insurance coverage? What kind of protection are 4-H volunteers provided?

Liability coverage typically refers to damage or injury to other parties that is attributed to the negligence of the University and/or its agents (volunteers). Accident insurance coverage refers to accidental injury or illness to 4-H members or volunteers that occurs during a 4-H activity. Accident and injury insurance is provided under a policy issued by The Hartford and is described in greater detail in a separate FAQ document.

In general, registered volunteers are covered by the University's general liability insurance while participating in official activities and acting within the course and scope of their duties. This coverage would include damage to another's property or injury to another person that occurs due to negligence on the part of the University and/or its agent (the volunteer).

3. How does UC liability coverage coordinate with 4-H volunteer's personal liability and automotive coverage?

In the case of an automobile accident, the volunteer's personal automotive liability coverage would be primary and the University's coverage would be secondary. This pattern may also apply for matters involving general liability. For example, if another party was injured at a volunteers home, the volunteer's personal liability coverage would be primary. The next several questions provide greater detail on primary and secondary coverage.

4. What is difference between primary and secondary coverage?

In an incident where there may be multiple insurance policies at stake, the different policies are said to be "primary," "secondary," and in some cases "tertiary." Primary coverage refers to the first insurance that will be used. In the case of an auto accident, the driver's personal automobile insurance will be the primary coverage. If the cost of the accident exceeds the driver's personal insurance limits, then the University's self-insurance program may offer secondary coverage. The presence of secondary coverage from the University

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would depend on several factors, such as whether the auto accident occurred as part of a 4-H activity, and the driver's insurance maximum limits (as discussed in #6 and 7 below)

5. What is the minimum primary automobile coverage required of a 4-H volunteer to be covered under UC's secondary automobile liability insurance?

University policy requires employees or volunteers who are driving on University business to maintain insurance coverage in the following amounts: \$50,000 for personal injury to, or death of, one person; \$100,000 for injury to, or death of, two or more persons in one accident; and \$50,000 for property damage. These limits are commonly referred to as: "50/100/50". These University minimums are higher than the State minimum insurance requirements of 15/30/5. If a volunteer driver is involved in an accident, the secondary coverage from the University would apply only after the limits of the volunteers' vehicle primary liability insurance policy have been reached.

6. What if a 4-H volunteer does not have this minimum primary coverage? Are they afforded any UC automobile liability coverage? Are they still allowed to transport 4-H youth?

If a 4-H volunteer does not maintain coverage in accordance with the University's minimums, and the auto accident occurred as part of a 4-H activity, then the volunteer would be responsible for paying the amount between their auto insurance maximum coverage limits and the University's minimums. I.e., if the volunteer has the State minimum coverage of 15/30/5 and is involved in an accident while on University business and the policy limits are exceeded the volunteer would be liable for the difference between their policy limits and the University's secondary coverage 50/100/50.

7. Who pays for an automobile accident if I, as a UC volunteer, am negligent while driving my personal vehicle?

If you are a formal volunteer who is involved in an automobile accident while in the course and scope of your UC activities, and you are found to be negligent, UC provides secondary coverage (as described above) after your personal auto insurance limits have been depleted.

8. How does a 4-H volunteer file an automobile liability insurance claim?

A claim is initiated by completing an incident report form and submitting it to the county UCCE office. The UCCE will forward the form to ANR Risk Services. The form is available from the UCCE office or from the Risk Services website at:

<http://danr.ucop.edu/riskmanagement/ANR-IncidentForm1.pdf>

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9. Are parents provided any UC liability coverage when transporting their own children to and from 4-H events or activities?

No.

10. What does Additional Insured mean?

Naming another party as an insured or additional insured under the program means that, in the event of a claim or lawsuit, the individual named would be covered under the University's self insurance program.

11. A volunteer in our program wants a Certificate of Insurance because we hold meetings at his/her house, can we provide one?

Certificates are not usually issued to volunteers who use their homes for meetings. The insurance coverage provided by the University covers the supervisory responsibilities of the people in the program, but not the ownership or maintenance of the property. There are exceptions, such as homes used for events that are open to the general public, such as garden tours, etc.

12. Can I get a Certificate of Insurance faxed to me because the event is tomorrow?

Yes, but a faxed copy does not replace the original in the mail. The insurance certificates need original signatures. When planning an event please allow adequate time for contract review and receipt of an original insurance certificate.

13. If I want to use someone's property for a program and present them with an ANR contract, what does the contract and Certificate of Insurance mean to the property owner?

The contract specifies the terms and agreements regarding the use of the property and the Certificate of Insurance provides evidence of UC's financial responsibility. The Certificate of Insurance states that the University's self-insurance program provides coverage for the University, its officers, agents, and employees for their negligent acts or omissions while involved in the course and scope of their employment or volunteerism. Generally, the course and scope involve supervision of people in a given program. If requested, the property owner may be added as an Additional Insured on the Certificate of Insurance.

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14. When are 4-H volunteers provided UC liability coverage if transporting 4-H Youth?

Volunteers are covered only when the transportation is part of an official University activity. Traveling to and from activities (individually or in informal car pools) is generally not covered. If the activity is organized such that attendees gather at a prescribed location and then travel as a group to an event, then that travel would be covered as discussed in Questions 3-9 above.

15. When are non 4-H participants provided liability coverage?

Visitors at 4-H events may be covered for damages or injuries if the damages are due to negligence on the part of the University or its agents (employee or volunteer).

16. Do we have to have a copy of the 4-H volunteer's home owners or auto insurance for them to be covered? To show that they have primary coverage?

Copies of volunteers' coverage are not currently required, but may be required in the future to verify coverage at the time of volunteer sign-up and ensure compliance with University policy.

17. When do we need to obtain a certificate of insurance for facility use of a 4-H event?

Only when the facility requests it.

18. If a facility does not require an agreement or any other signed document can a 4-H club just use the facility with out any UC paperwork?

It is a best practice to have an agreement. If the facility does not have an agreement, use Attachment A Standard Hold Harmless/Indemnification Clause which indemnifies each party.

See Risk Services website for more details at:

http://groups.ucanr.org/ANR_Risk_Services/Forms_and_Waivers/

19. Can 4-H clubs/VMOs write a check for the rent of the school for their meetings?

Yes, As long as the Facility Use Agreements are issued to the UC Regents, with signature of the County Director.

20. Can a 4-H volunteer request to be additionally insured?

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Usually, no. There are exceptions on a case by case basis, i.e. garden tours, etc. where the public are visiting volunteers' property as part of an official program or event.

21. Can 4-H clubs or councils take out additional insurance beyond the UC insurance?

No

22. What is product liability insurance? When would a 4-H club need it?

Product liability insurance covers losses due to injuries or damage that result from defective products. Product liability insurance may be needed if the 4-H club is making and selling a product (i.e. selling handmade crafts or preparing and selling food). You may request this insurance by writing "Products and Completed Operations Aggregate" under "Minimum Dollar Amount Limits Required" on Attachment C (Request for Certificate of Insurance). See Risk Services website for forms and more details at:

http://groups.ucanr.org/ANR_Risk_Services/Forms_and_Waivers/

23. Is 4-H equipment – owned by the 4-H club/VMO's – such as a PA system, cover by theft insurance?

Equipment that is owned by the University is covered by the University's self insurance program. Property that is owned by the club would not be covered by the University.

24. When a 4-H Leader signs the voluntary waiver, are they giving up their right to indemnity by the University in case of a lawsuit?

If they are individually named in a lawsuit stemming from a 4-H event where someone was injured or property was damaged, UC would provide representation for their supervisory responsibilities while in the course and scope of the sponsored, sanctioned UC activity.

25. Suppose the facility owner only wants to know that UC has insurance. What can I show them?

Contact the Risk Services office to receive the general statement of UC insurance coverage document. See contact information at the end of this Q&A.

26. What form do I need to complete in order to get an insurance certificate from the Risk Services Office?

Complete Attachment C (Request for Certification of Insurance) and send by email, penalty

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mail or fax to Linda Harris in the Risk Services office. This and other forms are located on the Risk Services website:

http://groups.ucanr.org/ANR_RISK_Services/Forms_and_Waivers/

27. How long will it take me to get an insurance certificate from the Insurance and Risk Services Office located in Oakland?

If we receive a negotiated, fully executed agreement, accompanied by a completely filled out Attachment C (Request for Certification of Insurance), the turn-around time is usually less than 5 working days. Expedited requests can be made by contacting Linda Harris in the Risk Services office.

28. What is the UC policy regarding signing contract hold harmless clauses?

Regents' policy specifies that the University will enter into agreements where the University only assumes liability for its officers, agents, employees, students, invitees, and guests unless there is special authorization.

29. Are there any agreements with hold harmless clauses that County Directors or Regional Directors can sign?

Yes. County Directors and Regional Directors are delegated the authority to execute agreements for:

- Facility use agreements with a hold harmless/indemnification clause using the University's preferred languages, or*
- Facility use agreements with the State of California, Division of Fairs and Expositions, which cover the use of fairgrounds, after they have been modified, or*
- Facility use agreements with a hold harmless/indemnification clause previously approved by the University's General Counsel, or*
- Facility use agreements without a hold harmless/indemnification clause.*

30. Does the Office of Insurance and Risk Services located in Oakland ever approve signing contracts containing hold harmless clauses that require UC to accept liability for third parties?

Yes, rare exceptions are made on a case-by-case basis.

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31. If a facility owner is also a formal UC volunteer, what does UC's insurance cover?

UC's insurance doesn't cover the ownership or maintenance of the property, only the volunteer's supervision of the program.

32. If a property owner allows UC to use his or her property, what should he or she do to protect themselves?

The property owner should contact his/her insurance company, and confirm they have adequate insurance coverage for the event as prescribed by their insurance company.

For more information, contact

ANR Risk Services
<http://ucanr.org/risk>

Linda Harris, Risk Services Specialist
University of California, Office of the President
1111 Franklin Street, 6th Floor
Oakland, CA 94607
Phone: 510 987-0085
Fax: 510 987-0965
linda.harris@ucop.edu