POLICY AMENDMENT
SUBJECT: Mixed Claims Coverage
ISSUING PROGRAM: Risk Management
POLICY MANUAL: Liability Self-Insurance 125-7-201

NUMBER: 06-ALL
EFFECTIVE DATE: 6/25/2013
APPROVED: [Signature]
EFFECTIVE DATE: 06/25/2013

POLICY/ PURPOSE:
Except as specified in this amendment, coverage is subject to the terms and conditions of the Liability Self-Insurance Policy Manual, 125-7-201.
The purpose of this amendment is to clarify the Self-Insurance Fund Mixed Claim Coverage section.
Policy Endorsement 13-ALL is rescinded. Liability Self-Insurance Policy Manual, Section III.A.3. is replaced by the following:

AUTHORITY: ORS 278.405

APPLICABILITY: All State Agencies

ATTACHMENTS: None

   a. If the non-tort elements of a mixed claim arise from a contract, a document or an action which was approved in advance in writing by an Assistant Attorney General, we will defend the mixed claim against you or your staff even if the tort elements of the claim are withdrawn or dismissed. We will also pay damages, but not to exceed the tort limits described in ORS 30.260 to 30.300, whether the damages are awarded for tort or for non-tort elements of the claim.
   b. If the non-tort elements of a mixed claim arise from an Assistant Attorney General Approved contract template that has been substantially changed, or from a contract, document or an action which was not specifically approved in advance in writing by an Assistant Attorney General, we will defend the mixed claim against you or your staff only while the part of the claim which alleges a tort continues to be pled and has not been dismissed or withdrawn. If the dismissal of the tort elements is appealed, we will offer to resume defense while the tort continues to be appealed. We will pay only those damages that are clearly for tort elements.

GUIDELINES:

History:
Amendment 06-ALL 6/25/13
Endorsement 11-ALL rescinded 6/25/2013
1-201 Policy Interpretation rescinded 6/25/2013