POLICY AMENDMENT

SUBJECT: Liability Policy Exclusions

ISSUING PROGRAM: Risk Management

POLICY MANUAL: Liability Self-Insurance 125-7-201

NUMBER: 5-201

EFFECTIVE DATE: 6/25/2013

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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.

Read this document carefully. It amends policy coverage.

Some claims may be excluded from coverage even though they may constitute tort or mixed claims. Each of these exclusions primarily affects only a single agency, involves specialized knowledge, occurs with some frequency and has not commonly been administered by us. These claims are delegated to their agencies to administer and resolve at their direct expense with the Department of Justice.

AUTHORITY:

ORS 278.405

APPLICABILITY:

All State Agencies

ATTACHMENTS:

None

COVERAGE CLARIFICATION:

Liability Self-Insurance Policy Manual, 125-7-201, Section III.B. Exclusions is amended with the addition of the following exclusions:

10. Challenges to election law requirements of ballot titles, measure explanations, and related technical allegations customarily administered by the Secretary of State's Election Division.

This exclusion does NOT apply to substantive constitutional claims regardless of attorney fee requests, which include but are not limited to, revision claims, single subject claims, and Guaranty Clause claims.

11. Allegations that the Department of Consumer and Business Services has violated requirements of workers' compensation law in its handling of a workers' compensation claim(s).

12. Allegations of inverse condemnation or of damage to properties adjacent to a highway project, and appeals over the condemnation or takings of real property rights and interests by the Department of Transportation, Highway Division.

13. Allegations that the Department of Water Resources has harmed someone by taking administrative actions of issuing orders that impair, reduce, deny, or cut-off any right to take or use water.

14. Challenges to environmental studies, reports, or findings; or to alleged environmental impacts; or allegations of federal environmental regulation; all

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in connection with construction projects federally funded through a state agency.

Note: These exclusions from coverage do not mean that these allegations or challenges do not constitute or contain tort allegations. Rather, these are delegated to the named agencies to resolve at their direct expense and, with the Department of Justice, to defend against any torts that arise within these exclusions.

GUIDELINES:

History: Amended 6/25/2013
1-201 Policy Interpretation rescinded 6/25/2013