



General Liability and Automobile Insurance: Frequently Asked Questions

1. What does the UC ANR liability insurance cover?

UC's general liability insurance provides limited liability coverage for UC ANR 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 ANR, including allegations arising out of the supervision of people and general supervision of a UC ANR-sponsored programmatic activity. This includes volunteer programs such as 4-H, Master Gardeners (MG), or Master Food Preservers (MFP). 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, or use of 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 UC ANR 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 UC ANR volunteers or 4-H youth members that occur during a UC ANR activity. Accident and injury insurance for 4-H/MG/MGP volunteers 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 ANR liability coverage coordinate with the 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 volunteer's home, the volunteer's personal liability coverage would be primary. The next several questions provide greater detail on primary and secondary coverage.



General Liability and Automobile Insurance: Frequently Asked Questions

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 where the volunteer is driving in support of University business, 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 would depend on several factors, such as whether the auto accident occurred as part of a volunteer 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 UC ANR 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 volunteer’s vehicle primary liability insurance policy have been reached.

6. What if a UC ANR 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 UC ANR volunteer does not maintain coverage in accordance with the University’s minimum policy limits, and the auto accident occurred as part of the volunteer’s scope of volunteer duties on behalf of a UC ANR program or activity, then the volunteer could be responsible for paying the amount between their auto insurance maximum coverage limits and the University’s minimum limits. For example, 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.



General Liability and Automobile Insurance: Frequently Asked Questions

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

If you are an appointed 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 UC ANR volunteer file an automobile liability insurance claim?

A claim is initiated by completing an Incident Report form and submitting it to the UC ANR office that manages their volunteer program (County UCCE office or Research & Extension Center office). The UC ANR staff will forward the Incident Report to ANR Risk Services. The form is available from the UCCE or REC office or from the Risk Services website at: <http://ucanr.edu/incidentreport/>

9. What if an ANR Volunteer is driving their personal vehicle to tow a UC ANR-owned trailer, as part of their volunteer duties?

The liability concerning operation of a UC—owned trailer can be complex depending on the circumstances, but put simply: the liability for a towed trailer follows the towing vehicle. So a volunteer who is driving their personal vehicle to tow a UC-owned trailer would have the primary liability for damage resulting from an accident that occurs while towing a UC-owned trailer, subject to the minimum insurance limits outlined in question 5 above. If the trailer is being towed by a UC-owned vehicle, then the insurance coverage would fall under the UC's auto insurance program.

Generally, personal auto insurance covers towed trailers, but some policies may exclude coverage for non-owned trailers. A volunteer towing a UC-owned trailer should be aware of their personal liability and should verify that they have auto liability insurance that extends to the borrowed trailer. Additionally, the contents of the trailer or damage to the trailer itself would generally not be covered by the driver's auto policy – only the liability. So if a volunteer were negligent and brought the trailer back in damaged condition, or caused damage to the materials in the trailer, there may not be insurance coverage to repair the damage. The club or UCCE program would have no insurance coverage for the damage or loss of the materials.



General Liability and Automobile Insurance: Frequently Asked Questions

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

No.

11. 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.

12. 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, as 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. However, there should be a signed Attachment D (Facility Use Agreement) between UC and the volunteer and the volunteer should provide proof of insurance on their property.

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. In addition the property owner may be requested to provide proof of insurance for their property.



General Liability and Automobile Insurance: Frequently Asked Questions

14. When are UC ANR volunteers provided UC liability coverage if transporting 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 participants at 4-H/MG/MFP events provided liability coverage?

Visitors or participants at UC ANR events (such as 4-H events, Master Gardener demonstrations, or Master Food Preserver instruction) may be covered for damages or injuries if the damages are due to negligence on the part of the University or its agents (employees or volunteers).

16. Do we need to have a copy of the UC ANR volunteer's homeowners or auto insurance for them to be covered? To show that they have primary coverage?

No, copies of volunteers' auto insurance coverage is not required. However, see Item #13 above for proof of property insurance.

17. When do we need to obtain a certificate of insurance for facility use of a UC ANR event?

Only when the facility requests a certificate of insurance.

18. If a facility does not require an agreement or any other signed document can a UC ANR volunteer program (such as a 4-H club, MG or MFP group) just use the facility without any UC paperwork?

*No. It is a best practice to have an agreement. If the facility does not have an agreement, use Attachment D, Standard Hold Harmless/Indemnification Clause which indemnifies each party, or Attachment E depending on the type of facility. See Risk Services website for more details:
http://ucanr.edu/sites/risk/Forms_and_Waivers/*



General Liability and Automobile Insurance: Frequently Asked Questions

19. Can volunteer groups (4-H/MG/MGP clubs or councils) 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. Volunteers may not sign any agreements or documents on behalf of the University.

20. Can a UC ANR volunteer request to be additionally insured?

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

21. Can volunteer groups (4-H/MG/MGP clubs or councils) take out additional insurance beyond the UC insurance?

No.

22. What is product liability insurance? When would a UC ANR volunteer group 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 volunteer group is making and selling a product (i.e. selling handmade crafts or preparing and selling food). "Products and Completed Operations Aggregate" is included under "Minimum Dollar Amount Limits Required" on Attachment C (Request for Certificate of Insurance) as well as on the online Request form. "Products and Completed Operations Aggregate" coverage is required by all District Agricultural Associations (DAA) which govern the county fairs for groups providing and/or selling food. See Risk Services website for forms and more details at: http://ucanr.edu/sites/risk/Forms_and_Waivers/

23. Is equipment owned by volunteer groups (4-H/MG/MGP clubs or councils) – such as a PA system or tools - covered by theft insurance?

University property is covered by the University's self-insurance program. Property that is owned by the volunteer group, club members or council would not be covered by the University.



General Liability and Automobile Insurance: Frequently Asked Questions

24. When a UC ANR volunteer 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 UC ANR event where someone was injured or property was damaged, UC would provide representation for their volunteer 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?

A Generic Certificate of Self-Insurance is available on the Risk Services website at: http://ucanr.edu/sites/risk/Forms_and_Waivers/

Contact the Risk Services office for additional information. See contact information at the end of this Q&A.

26. How can I obtain an insurance certificate from Risk Services?

For expedited service, use the online Request for Certificate of Insurance form located on the Risk Services website:

http://ucanr.edu/sites/risk/Forms_and_Waivers/

As an alternative, you may also complete Attachment C (Request for Certification of Insurance) and send by email, U.S. mail or fax to Linda Harris in the Risk Services office. This form is also available from the website listed above.

27. How long will it take me to get an insurance certificate from Risk Services?

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 (see contact information at the end of this FAQ).

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.



General Liability and Automobile Insurance: Frequently Asked Questions

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

Yes. County 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 Risk Services ever approve signing contracts containing hold harmless clauses that require UC to accept liability for third parties?

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

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 and any liability caused by negligent or intentional acts which were caused by its officers, agents, employees, students, invitees, and guests.

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.



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For more information, contact

ANR Risk & Safety Services
<http://ucanr.edu/risk>

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