

INSURANCE AND ANNUITIES MANAGEMENT
LIABILITY INSURANCE

CKB
(LEGAL)

Liability Insurance

The governing board of an institution of higher education may purchase insurance insuring the institution and its employees against any liability, risk, or exposure and covering the losses of any institutional property. The governing board may pay the cost of any insurance from any funds of the institution. Government Code 612.002(b) does not apply to an institution of higher education purchasing insurance under Education Code 51.966. *Education Code 51.966; Atty. Gen. Op. H-70 (1973)*

**Tort Claims Act
Liability Insurance**

Each governmental unit other than a unit of state government may purchase insurance policies protecting the unit and the unit's employees against claims for property damage, personal injury, or death proximately caused by the wrongful act or omission or the negligence of an employee acting within the scope of the individual's employment if:

1. The property damage, personal injury, or death arises from the operation or use of a motor vehicle or motor-driven equipment; and
2. The employee would be personally liable to the claimant according to Texas law.

A unit of state government may purchase such a policy only to the extent that the unit is authorized or required to do so under other law.

Civ. Prac. & Rem. Code 101.021, .027(a)

**Tort Claims
Payments**

A local government, including a college district, may pay actual damages awarded against an employee of the local government if the damages result from an act or omission by the employee in the course and scope of employment for the local government and arise from a cause of action for negligence. The local government may also pay the court costs and attorney's fees awarded against an employee for whom the local government may pay damages under this section.

A local government may not pay damages awarded against an employee that arise from a cause of action for official misconduct or arise from a cause of action involving a willful or wrongful act or omission or an act or omission constituting gross negligence.

Civ. Prac. & Rem. Code 102.002

Defense Counsel

A local government, including a college district, may provide counsel to represent a defendant for whom the local government may pay damages. The counsel provided by the local government may be the local government's regularly employed counsel, unless

there is a potential conflict of interest between the local government and the defendant, in which case the local government may employ other legal counsel to defend the suit.

Civ. Prac. & Rem. Code 102.004

Mold Remediation

A person is not liable in a civil lawsuit for damages related to a decision to allow occupancy of a property after mold remediation has been performed if a certificate of mold damage remediation has been issued for the property, the property is owned or occupied by a governmental entity, including a college district, and the decision to occupy was made by the owner, occupier, or any person authorized by the owner or occupier to make the decision. *Occupations Code 1958.304; 16 TAC 78.150(e)*

**For Law
Enforcement Motor
Vehicles**

The governing body of a political subdivision shall provide for insuring each law enforcement officer appointed or employed by the political subdivision against liability to third persons arising out of the officer's operation of a motor vehicle owned, leased, or otherwise controlled by the political subdivision at any time the officer is authorized to operate the vehicle, including times that the officer is authorized to operate the vehicle while off duty. The motor vehicle liability coverage must be in amounts not less than those required by Transportation Code Chapter 601, Subchapter D to establish financial responsibility. A political subdivision may satisfy this requirement by:

1. Electing to be self-insured;
2. Entering into a risk retention group, risk management pool, or interlocal contract with other political subdivisions; or
3. Providing for coverage by an insurance company authorized to write motor vehicle liability insurance coverage.

The policy may exclude coverage for operation of a motor vehicle in the commission of a criminal offense other than a traffic offense.

Gov't Code 612.005