



Idaho Department of Lands
Agency Guidance Document
Trust Land Management Division
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Insurance Requirements

In accordance with [Executive Order 2020-02, Transparency in Agency Guidance Documents](#), guidance documents promulgated by the department are not new laws. They represent an interpretation of existing law, except as authorized by Idaho Code or incorporated into a contract.

This document may reference other documents that are not currently available online. Copies of these reference documents may be obtained by filing a public records request at <https://www.idl.idaho.gov/public-records-request>.

Agency Contact

Division Administrator – Trust Land Management

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INSURANCE REQUIREMENTS

1. **REFERENCES:** Insurance, TM Manual Section X
Project Administration, FM Manual Section A
Idaho Code § 41-1850 Certificates of Insurance
Lands & Waterways Uniform Procedures

2. **PURPOSE:**

This agency policy endeavors to ensure that the lines and limits of insurance coverage acquired by entities executing activities that potentially present liability or future financial risk to the Idaho Department of Lands (Department) are adequate to meet the Department's exposure to risk.

3. **POLICY:**

Insurance General Provisions

The Department holds discretionary authority to require the lines and limits of insurance coverage for activities performed, contracted or administered by the Idaho Department of Lands. Entities must provide the Department with the required documentation confirming that the required coverage is in effect annually, upon renewal or if insurance provider changes.

Requirements of all Insurance Types

The following shall apply when insurance is required by an instrument executed by the Department:

- Activities authorized by a Department instrument (e.g. contract, lease, permit, license or other written authorization) shall not commence until the Department has received and reviewed for adequacy the documentation of the required insurance.
- When required by a Department instrument, insurance documentation provided by the Instrument Holder shall identify the Department as "**Additional Insured.**" Such documentation must identify: "**The Department of Lands, its agents, officials, employees and the State of Idaho**" as additionally insured parties.
- If required by Department instruments, the following endorsement will be included in the policy: Non-contributory Insurance: "**The insurance afforded the Insured shall be primary insurance.**"
- The Department shall require the following documentation related to the required insurance coverage:
 - An **ACORD Form or other certificate of insurance** form which summarizes the required insurance.

- **Self-insured entities** may provide the following information in lieu of a certificate of insurance or as specified by Department legal counsel:
 - A complete description of the insurance program, including deductible administration
 - A copy of the corporate insurance manual and organizational chart detailing fiscal responsibilities for insurance
 - Claims administration policy, practices and procedures
 - Claims reporting process
 - Disclosure of all captive insurance company and reinsurance agreements
 - Evidence of general liability and other liability coverage as required for each instrument type by relevant captives
 - Approval by the Department of Insurance, if applicable.
- The Department **may** require the following documentation related to the required insurance coverage:
 - A **copy of the actual insurance policy**, including all required endorsements. When requesting an insurance policy, the Department should request policy documents be provided in an electronic format when possible to allow for electronic word searching. Policy documents not provided in an electronic format should be scanned by the Department into a searchable PDF format.
 - A copy of the Declarations Page of the insurance policy.
 - The Department may review the insurance policy for compliance with the instrument requirements and should not accept policy language, if identified, that nullifies or limits the required coverage. The following are recommended keywords for searching:
 - "except" (will search for exception(s), excepting, excepts, etc.)
 - "limit" (will search for limit(s), limitations, limiting, etc.)
 - "exclusion"
 - "state"
 - "agency"
 - "Idaho"
 - "municipality"
 - "person"
 - "organization"
 - "who is an insured"
 - "government"
 - "fire"

The Department's efforts to review and accept insurance policies and coverage shall not relieve the insured party from having the required level and types of insurance.

Each Department bureau or program shall develop written procedures for implementing this policy to address insurance lines and limits, level of policy review and specialized insurance needs based on prioritized risk factors and the type of activity or services provided.

General Liability Insurance

When an activity related to an Instrument issued by the Department requires General Liability Insurance, the following shall apply:

- The minimum amount of General Liability Insurance coverage required by any Department instrument shall be **\$1,000,000 per occurrence**.
- Oil and Gas Leases, Wind Energy Leases, Geothermal Leases, Solar Leases and Aircraft Contracts will require a minimum General Liability Insurance coverage of **\$2,000,000 per occurrence**.
- Coverage must include property damage from fire caused by Insured activity or Insured's equipment.
- The Department may at its discretion require different General Liability Insurance limits based on the activities authorized by the Department instrument.
- State of Idaho government agencies insured through Risk Management will not be required to obtain General Liability Insurance coverage.

Federal, state and local government agencies will not be required to provide General Liability Insurance documents provided they can prove coverage through a self-insurance mechanism like Risk Management or ICRMP. Agreements with other State agencies should include a statement regarding apportionment of liability.

Automobile Insurance

When an activity related to an instrument issued by the Department requires Automobile Insurance, the following shall apply:

- The following automobiles will require a minimum insurance limit of \$500,000:
 - Owned Autos
 - Non-owned Autos
 - Hired Autos

Workers Compensation Insurance

The instrument must require the Instrument Holder to provide a certificate verifying Workers Compensation Insurance when required.

Errors and Omissions Insurance

When an activity related to an instrument issued by the Department requires professional services Errors and Omissions (E&O) Insurance the following may apply:

- The minimum amount of E&O Insurance coverage required by any instrument shall be \$300,000 per occurrence.
- The Department may at its discretion require different E&O Insurance coverage based on the activities authorized by the Department instrument.

Cyber Risk Insurance

When an activity related to an instrument issued by the Department requires Cyber Risk Insurance, the following shall apply:

- The minimum amount of Cyber Risk Insurance coverage required by any Department instrument shall be \$1,000,000 per occurrence.
- The Department may at its discretion require different Cyber Risk Insurance coverage based on the activities authorized by the Department instrument.

Other Insurance

The Department, using its discretionary authority, shall require the appropriate type and level of insurance coverage for non-commercial activities performed, contracted or administered by the Idaho Department of Lands.

The Department may require additional insurance coverage with limits to be determined by the Department on a case by case basis.

4. REVISIONS AND REVOCATION:

DEPARTMENT POLICY #11 is hereby superseded by this REVISION #1, dated April 18, 2016.


THOMAS M. SCHULTZ, JR.
Director

Date 4/18/16