



Department Policy No. 11  
Effective date: December 2, 2014

POLICY  
Version: 3.0  
Revised: January 31, 2022

## Insurance Requirements Policy

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This guidance document is not a new law. This document is an agency interpretation of existing law, except as authorized by Idaho Code or incorporated into a contract.

### Agency Contact

Division Administrator – Trust Land Management

### Purpose

This 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 (IDL) are adequate to meet the department's exposure to risk.

### Scope

This policy applies to all IDL employees, programs, and vendors.

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### Contents

I.	Policy.....	2
A.	Insurance General Provisions.....	2
B.	Requirements of All Insurance Types.....	2
C.	General Liability Insurance.....	3
D.	Automobile Insurance.....	4
E.	Workers Compensation Insurance.....	4
F.	Errors and Omissions Insurance.....	4
G.	Cyber Risk Insurance.....	4
H.	Other Insurance.....	4
II.	Definitions.....	5
III.	References.....	5
IV.	Implementation.....	5
V.	Revision History.....	5

# I. Policy

## A. 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 IDL with the required documentation confirming that the required coverage is in effect annually, upon renewal or if insurance provider changes.

## B. Requirements of All Insurance Types

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

1. Activities authorized by an IDL instrument (e.g., contract, lease, permit, license, or other written authorization) must not commence until IDL has received and reviewed for adequacy the documentation of the required insurance.
2. When required by an IDL instrument, insurance documentation provided by the Instrument Holder must 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.
3. If required by IDL instruments, the following endorsement will be included in the policy:  
Non-contributory Insurance: "**The insurance afforded the Insured shall be primary insurance.**"
4. IDL must require the following documentation related to the required insurance coverage:
  - An **ACORD form or other certificate of insurance** form that summarizes the required insurance.
  - **Self-insured entities** may provide the following information instead of a certificate of insurance or as specified by IDL 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 State of Idaho Department of Insurance, if applicable.
5. IDL **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, IDL 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 IDL into a searchable PDF format.

- A copy of the Declarations Page of the insurance policy.
  - IDL 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"
6. 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.
  7. Each IDL bureau or program must 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. In the case of emergency wildfire response activities, the Fire Management Handbook shall take precedence.
  8. Agreements awarded through the Procurement Program may be analyzed by the Procurement Program Manager and/or the Office of the Attorney General to allow for written exceptions to the minimum limits as long as they meet the state's lawful standards.

## C. General Liability Insurance

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

- The minimum amount of General Liability Insurance coverage required by any IDL instrument must be \$1,000,000 per occurrence.
- Oil and Gas Leases, Wind Energy Leases, Geothermal Leases, and Solar Leases 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.
- IDL may at its discretion require different General Liability Insurance limits based on the activities authorized by the 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.

## **D. Automobile Insurance**

When an activity related to an instrument issued by IDL requires Automobile Insurance, the following automobiles will require a minimum insurance limit of \$1,000,000:

- Owned Autos
- Non-owned Autos
- Hired Autos

## **E. Workers Compensation Insurance**

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

## **F. Errors and Omissions Insurance**

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

- The minimum amount of E&O Insurance coverage required by any IDL instrument is \$1,000,000 per occurrence.
- IDL may at its discretion require different E&O Insurance coverage based on the activities authorized by the instrument.

## **G. Cyber Risk Insurance**

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

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

## **H. Other Insurance**

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

IDL may require additional insurance coverage with limits to be determined by IDL on a case-by-case basis.

## II. Definitions

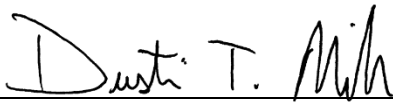
None

## III. References

- A. Idaho Code § [41-1850](#) – Certificates of Insurance
- B. IDL TM Manual Section X – Insurance

## IV. Implementation

This policy revision is effective immediately and will remain in effect for five years unless amended, replaced, or rescinded prior to expiration.



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DUSTIN T. MILLER  
Director

January 31, 2022

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Date

## V. Revision History

12-02-2014	Policy approved
04-18-2016	Version 2.0 (revision #1)
01-31-2022	Version 3.0