



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
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July 30, 2015

Board of County Commissioner
Clackamas County

Members of the Board:

Stephen L. Madkour
County Counsel

Kimberley Ybarra
Kathleen Rastetter
Chris Storey
Scott C. Ciecko
Alexander Gordon
Amanda Keller
Nathan K. Boderman
Christina Thacker
Assistants

Adoption of a Board Order in the Matter of *Reaffirming* Limits for
Uninsured/Underinsured Motorist Coverage

Purpose/Outcomes	To <i>reaffirm</i> uninsured/underinsured motorist coverage as permitted by Oregon statute.
Dollar Amount and Fiscal Impact	N/A
Funding Source	No new funding
Safety Impact	N/A
Duration	Effective upon passage.
Previous Board Action	Board Order 2015-46 adopted on May 15, 2015
Contact Person	Kathleen Rastetter, Sr. Legal Counsel & Dwayne Kroening, Risk Manager

BACKGROUND: The County is self-insured for general liability insurance coverage, including automobile coverage. Oregon law permits an insured to elect limits of uninsured/underinsured (UM/UIM) motor vehicle coverage lower than bodily injury liability limits, which the Board did in Board Order 2015-46.

On July 1, 2015, the liability limits of the Oregon Tort Claims Act were amended to adjust the damages limit in tort actions against the County. To make clear that the Board continues to elect the lower limits, this board order *reaffirms* the election of lower UM/UIM motor vehicle coverage in compliance with the statute.

RECOMMENDATION: Staff recommends the Board of County Commissioners adopt the attached Board Order.

Respectfully submitted,


Kathleen Rastetter
Sr. Legal Counsel

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

**In the Matter of Reaffirming
Limits for Uninsured/Underinsured
Motorist Coverage**



Order No.
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WHEREAS, the liability limits in the Oregon Tort Claims Act have recently been amended to adjust the damages limit in tort actions against the County;

NOW, THEREFORE IT IS HEREBY ORDERED that based on the above, the Board of County Commissioners *reaffirms* that it is in the best interest of the County to elect limits on uninsured/underinsured motorist coverage in the lower limits elected amount of \$25,000 per person, \$50,000 per accident.

This election will remain in force until Clackamas County, as insured, rescinds it in writing or until the motor vehicle bodily injury liability limits are changed.

In signing and dating this Order, on behalf of Clackamas County, the County acknowledges that it has been offered uninsured/underinsured motorist bodily injury coverage limits equal to the bodily injury limits of the policy and that the Board of County Commissioners has made a deliberate decision to select the limits shown above.

Clackamas County does not provide Personal Injury Protection benefit coverage for any County-owned vehicles.

DATED this ____ day of July, 2015.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

Summary of coverages:

Uninsured motorist coverage insures you the insured, and others covered under the uninsured motorist coverage, for all amounts that you are legally entitled to recover as damages for bodily injury or death caused by accident and arising out of the ownership, maintenance or use of an uninsured motor vehicle, subject to the terms of the policy.

Underinsured motorist coverage insures you the insured, and others covered under the underinsured motorist coverage, for your damages to the extent that your uninsured motorist coverage benefits are greater than the amount recovered from other motor vehicle liability insurance policies.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

**In the Matter of Electing Lower Limits
for Uninsured/Underinsured Motorist
Coverage**

Order No. 2015- 46
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WHEREAS, this matter has come before the Board of County Commissioners at its regularly scheduled business meetings, and the Board is fully apprised; and

WHEREAS, Clackamas County is the named insured on a motor vehicle liability insurance policy issued by Clackamas County (the self-insurer); and

WHEREAS, Oregon insurance law requires that all motor vehicle liability policies provide Uninsured/underinsured Motorists Bodily Injury coverage with limits equal to the Bodily Injury Liability limits unless the insured selects Uninsured/underinsured limits that are lower than the bodily injury limits, but not lower than \$25,000 each person / \$50,000 each accident split limits or \$50,000 single limit; and

WHEREAS, Clackamas County elects to have its motor vehicle liability insurance policy contain lower limits for uninsured/underinsured motorist coverage than for bodily injury liability coverage. The lower limits selected are \$25,000 per person, \$50,000 per accident. Clackamas County, as the insured, acknowledges that it was offered uninsured/underinsured motorist coverage with the limits equal to those for bodily injury liability coverage, but Clackamas County elects the lower limits; and

WHEREAS, the comparison of prices for coverage is as follows:

\$0 is the price per insured vehicle for uninsured/underinsured motorist coverage with limits equal to the named insured's bodily injury liability limits under the insured's self-insurance.

\$0 is the price per insured vehicle for coverage with the lower limits for uninsured/underinsured motorist coverage, which we, the named insured has requested.

NOW, THEREFORE IT IS HEREBY ORDERED that based on the above, the Board finds that it is in the best interest of the County to elect limits on uninsured/underinsured motorist coverage in the lower limits elected amount of \$25,000 per person, \$50,000 per accident.

This election will remain in force until Clackamas County, as insured, rescinds it in writing or until the motor vehicle bodily injury liability limits are changed.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

**In the Matter of Electing Lower Limits
for Uninsured/Underinsured Motorist
Coverage**

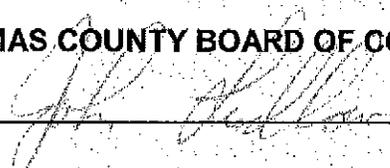
Order No. 2015-46
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In signing and dating this Order, on behalf of Clackamas County, the County acknowledges that it has been offered uninsured/underinsured motorist bodily injury coverage limits equal to the bodily injury limits of the policy and that the Board of County Commissioners has made a deliberate decision to select the limits shown above.

Clackamas County does not provide Personal Injury Protection benefit coverage for any County-owned vehicles.

DATED this 14 day of May, 2015.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS



Chair



Recording Secretary

Summary of coverages:

Uninsured motorist coverage insures you the insured, and others covered under the uninsured motorist coverage, for all amounts that you are legally entitled to recover as damages for bodily injury or death caused by accident and arising out of the ownership, maintenance or use of an uninsured motor vehicle, subject to the terms of the policy.

Underinsured motorist coverage insures you the insured, and others covered under the underinsured motorist coverage, for your damages to the extent that your uninsured motorist coverage benefits are greater than the amount recovered from other motor vehicle liability insurance policies.