

**63A-4-103 Risk management -- Duties of state agencies.**

- (1)
  - (a) Unless specifically authorized by statute to do so, a state agency may not:
    - (i) purchase insurance or self-fund any risk unless authorized by the risk manager; or
    - (ii) procure or provide liability insurance for the state.
  - (b)
    - (i) Notwithstanding the provisions of Subsection (1)(a), the State Board of Regents may authorize higher education institutions to purchase insurance for, or self-fund, risks associated with their programs and activities that are not covered through the risk manager.
    - (ii) The State Board of Regents shall provide copies of those purchased policies to the risk manager.
    - (iii) The State Board of Regents shall ensure that the state is named as additional insured on any of those policies.
- (2) Each state agency shall:
  - (a) comply with reasonable risk related recommendations made by the risk manager;
  - (b) participate in risk management training activities conducted or sponsored by the risk manager;
  - (c) include the insurance and liability provisions prescribed by the risk manager in all state contracts, together with a statement certifying to the other party to the contract that the insurance and liability provisions in the contract are those prescribed by the risk manager;
  - (d) at each principal design stage, provide written notice to the risk manager that construction and major remodeling plans relating to agency buildings and facilities to be covered by the fund are available for review, for risk control purposes, and make them available to the risk manager for his review and recommendations; and
  - (e) cooperate fully with requests from the risk manager for agency planning, program, or risk related information, and allow the risk manager to attend agency planning and management meetings.
- (3) Failure to include in the contract the provisions required by Subsection (2)(c) does not make the contract unenforceable by the state.

Amended by Chapter 324, 2010 General Session