



TEXAS TECH UNIVERSITY SYSTEM
Risk Management™

September 1, 2020

To Whom It May Concern:

Texas Tech University System (TTUS) and its components Texas Tech University System Administration, Texas Tech University, Texas Tech University Health Sciences Center, Texas Tech University Health Sciences Center-El Paso and Angelo State University as Texas state agencies are self-funded for Commercial General Liability and Workers' Compensation. Consequently we cannot provide certificates of insurance for these coverages.

TTUS participates in a formal self-funded workers' compensation program which meets state limits and is administered through the State Office of Risk Management pursuant to Chapter 412 of the Texas Labor Code. The coverage extends domestically and in foreign countries.

TTUS does not purchase commercial general liability or employer's liability insurance for its general operations. However, the Texas Tort Claims Act (the Act), Chapter 101 of the Texas Civil Practice and Remedies Code, does provide a limited waiver of the sovereign immunity that protects governmental units in Texas such as the institutions of Texas Tech University System. Thus, the Act may provide a remedy for claimants who make tort claims that fall under its provisions. Liability in cases of personal injury or death is limited to a maximum of \$250,000 per person and \$500,000 for each single occurrence. Maximum liability for injury to or destruction of property is \$100,000 for each single occurrence.

TTUS maintains a self-funded auto plan for all University owned, hired and non-owned vehicles with limits of at least \$250,000 per person and \$500,000 per accident for bodily injury and \$100,000 for property damage. These damage limits are set by the statute as discussed above.

Additionally, Texas Tech University, as a state institution of higher education, and thus a state agency, is precluded from granting full indemnity in an agreement with another entity. The preclusion has two bases, the first of which is the Texas Constitution. Article 3, Sections 50-52, of the constitution generally provide that the State has no power to give, lend, or pledge the credit of the State to any person, association, or corporation, or to make any grant of public moneys to any person, association, or corporation. The second basis for the preclusion is the doctrine of governmental immunity which, although abrogated in other states, continues to be the rule in Texas. The State cannot be sued in its courts without its (i.e., the State Legislature's) consent. Walsh v. University of Texas, 169 S.W.2d 993 (Tex. Civ. Apl. - El Paso 1942, writ ref'd). The exception to general governmental immunity in Texas is the Texas Tort Claims Act, cited above, which waives immunity in two general areas: (i) injuries arising out of use of publicly owned motor vehicles and motor-driven equipment, and (ii) injuries arising out of conditions or use of property. Texas Tech University's liability under the Act is limited as discussed previously.

If additional information is needed, do not hesitate to contact our office. If necessary TTUS attorneys can answer any legal questions concerning the Texas Tort Claims Act or other issues with legal implications.

Respectfully,

A handwritten signature in blue ink that reads "Steve Bryant".

Steve Bryant, CRM, ARM
Managing Director

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