4.3 WAIVER OF GOVERNMENTAL IMMUNITY FROM LIABILITY FOR NEGLIGENCE OF AGENTS AND EMPLOYEES OF INSTITUTIONS; LIABILITY INSURANCE

Last Revised: April 2011

Policy: It is the policy of the Board of Trustees of Piedmont Community College to waive its governmental immunity from liability for the death or injury of person or for property damage caused by the negligence or tort of any agent or employee of the board of trustees when the agent or employee is acting within the scope of his authority or the course of his employment.

Purpose/Definitions: This policy outlines the procedure by which the College waives its immunity from liability by purchase of liability insurance.

Approval Authority/Monitoring Authority: Piedmont Community College’s Board of Trustees has approval authority for this policy.

Procedure: Pursuant to North Carolina General Statute § 115D-24,

The board of trustees of any institution, by obtaining liability insurance as provided in N.C.G.S. § 115D-53, is authorized to waive its governmental immunity from liability for the death or injury of person or for property damage caused by the negligence or tort of any agent or employee of the board of trustees when the agent or employee is acting within the scope of his authority or the course of his employment. All automobiles, buses, trucks, or other motor vehicles intended primarily for use on the public roads and highways which are the property of a board of trustees shall be insured at all times with liability insurance as provided in N.C.G.S. § 115D-53. Governmental immunity shall be deemed to have been waived by the act of obtaining liability insurance, but only to the extent that the board is indemnified for the negligence or torts of its agents and employees and only as to claims arising after the procurement of liability insurance and while such insurance is in force.

Legal Citation: N.C.G.S. § 115D-24

History: Effective January 1988; Reviewed February 2011