

Declaration of Policy Statement Regarding Uninsured Motorist and Underinsured Motorist Coverage*

From: Robert Biles, UTA Chief Financial Officer
Date: May 1, 2015
Topic: Uninsured Motorist and Underinsured Motorist Coverage
Governing Statutes: Utah Code Ann. § 31A-22-305 Uninsured Motorist Coverage (2014)
Utah Code Ann. § 31A-22-305.3 Underinsured Motorist Coverage (2014)

Uninsured Motorist Coverage

Pursuant to Utah Code Ann. § 31A-22-305 (4)(h)(i) and (ii) (2014), UTA declares that it provides Uninsured Motorist Coverage in accordance with the minimum required limits specified in Utah Code Ann. § 31A-22-305 (5)(b)(i) on only vehicles owned by UTA which are engaged in the business of, or that accept payment for, transporting natural persons by motor vehicle. As of the present date, these amounts are listed at \$25,000 per person and \$500,000 per accident.

UTA declares in accordance with above referenced statutes, that the amount of coverage on vehicles owned by UTA which are not engaged in the business of, or that accept payment for, transporting natural persons is \$1,000.

In accordance with paragraph (4)(h)(ii) of this section the process for filing an Uninsured Motorist claim is attached as Exhibit A and is made a part of this Declaration.

If the governing provisions of the Utah Code regarding Uninsured Motorist Coverage are amended to provide for different minimum limits on a public entity, UTA's policy is that its uninsured motorist limits will automatically adjust to match the statutory minimum limits with no further action by UTA.

Underinsured Motorist Coverage

Pursuant to Utah Code Ann. § 31A-22-305.3 (3)(h)(i) (2014), UTA declares that the amount of Underinsured Motorist Coverage on all of the vehicle owned by UTA is \$1,000 in any one accident.

In accordance with paragraph (3)(h)(ii) of this section the process for filing an Underinsured Motorist claim is attached as Exhibit A and is made a part of this Declaration.

If the governing provisions of the Utah Code regarding Underinsured Motorist Coverage are amended to impose minimum limits on a public entity, UTA's policy is that it will comply with the minimum Underinsured Motorist limits imposed by statute and will automatically adjust to match the statutory minimums thereafter with no further action by UTA.

Dated this 12th day of May, 2015.


Robert Biles, UTA Chief Financial Officer

*This declaration replaces the prior declaration dated April 15, 2014.

Exhibit A

Process for filing UM/UIM claims against Utah Transit Authority (UTA)

Claims against governmental entities such as UTA are governed by the Governmental Immunity Act of Utah (the "Act").

Anyone making a claim against a governmental entity must strictly comply with the requirements of the Act, which may change from time to time. By providing this information, UTA does not intend to waive any provision of the Act.

Even if your claim is filed correctly in accordance with the requirements of the Act, your claim may be denied based on the evidence in the case.

Filing fraudulent claims against UTA

UTA prosecutes all fraudulent claims filed against it. Claims filed without merit and not brought or asserted in good faith could result in UTA recovering attorney's fees from you. See Utah Code § 78B-5-825.

Seeking reimbursement from UTA for Uninsured or Underinsured Motorist Claims

In general, to pursue a claim against UTA for property damage or personal injury, you are required to strictly comply with all pertinent provisions of the Governmental Immunity Act of Utah, Utah Code Ann. §§ 63G-7-101 through -904.

As an example, one of the strict requirements of the Governmental Immunity Act is that you must file a proper Notice of Claim with UTA within one year after the claim arises – and allow UTA to consider and either approve or deny the claim. See Utah Code Ann. § 63G-7-401.

You do not need to hire an attorney to file a Notice of Claim, but you may want to consult with an attorney if you have questions about the process. UTA cannot give you legal advice.

To assist in this process, UTA has developed a Notice of Claim form. However, it is your responsibility to provide the information required under the Governmental Immunity Act. You do not need to use the form developed by UTA, but any Notice of Claim does need to meet the requirements of the Governmental Immunity Act. See Utah Code Ann. § 63G-7-401.

As a courtesy, please call UTA before filing your claim. You can reach the UTA Claims Unit at (801) 287-4616. Calling UTA is not mandatory, though UTA may be able assist you by answering questions about your potential claim. However, UTA cannot provide legal advice.

Filing a Notice of Claim

There are typically three steps in filing a claim:

1. Complete a Notice of Claim or UTA's Notice of Claim form(s).
2. File the Notice of Claim in a "timely manner," as defined by the Utah Code. (Mail or deliver your claim form[s] to UTA's Office of General Counsel - Claims Unit).
3. UTA will respond to your claim in accordance with Utah law.

1. Completing a Notice of Claim or UTA's Notice of Claim form(s)

The form provided by UTA is available to the public at: <http://www.rideuta.com/claims> . As stated above use of this form is not necessary, but all the information asked for on this form does comply with the strict requirements of the State statute. Please refer to **UCA Section 63G-7-401** for additional information on what information is needed in a Notice of Claim.

2. Filing the claim in a timely manner (Mail or deliver the claim form[s] to UTA)

You must file your claim within the time periods set forth in the Utah Code – generally within one year from the accident or incident giving rise to your claim. **Section 63G-7-402**. Time for filing notice of claim.

Mail or deliver your completed Notice of Claim form to:

Utah Transit Authority
Office of General Counsel-Claims Unit
669 West 200 South
Salt Lake City, UT 84101

IMPORTANT: Facsimiles are not an accepted form of delivery. A signed original Notice of Claim form must be mailed or delivered as indicated above, or your claim will not be accepted.

3. UTA will respond to your claim

UTA will respond to your claim according to the provisions in the **UCA Section 63G-7-403**.

Other provisions of the Governmental Immunity Act of Utah

- **Section 63G-7-202.** Act provisions not construed as admission or denial of liability—Effect of waiver of immunity—Exclusive remedy—Joinder of employee—Limitations on personal liability.
- **Section 63G-7-301.** Waivers of immunity—Exceptions.
- **Section 63G-7-604.** Limitation of judgments against governmental entity or employee—Process for adjustment of limits.