

# **Bond Case Briefs**

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## **INSURANCE - GEORGIA**

### **Atlantic Specialty Insurance Company v. City of College Park**

**Supreme Court of Georgia - February 15, 2022 - S.E.2d - 2022 WL 451879**

Automobile accident victims' relatives brought wrongful death action against city to recover for fatal collision with unknown driver during police pursuit.

City's automobile insurer intervened for limited purpose of litigating policy limits.

The State Court entered partial summary judgment that limits available were \$5 million. Insurer appealed. The Court of Appeals affirmed. Insurer's petition for certiorari was granted.

The Supreme Court held that:

- Immunity endorsements to city's policy did not contravene public policy, and
- Policy provided no coverage for liability above \$700,000 waiver of sovereign immunity.

Statute increasing waiver of sovereign immunity to extent that the local government entity purchases commercial liability insurance in an amount in excess of \$700,000 statutory waiver of immunity does not mean that the purchase of liability insurance in excess of the statutorily prescribed limit waives sovereign immunity to policy limit for any sort of claim.

Immunity endorsements to city's automobile liability policy did not contravene public policy by stating that insurer had no duty to pay damages on city's behalf unless defenses of sovereign and governmental immunity were inapplicable and that policy and coverages were not a waiver of sovereign immunity.

City's automobile policy with immunity endorsements provided no coverage for liability above \$700,000 waiver of sovereign immunity and thus provided no coverage above \$700,000 for fatal accident caused by stolen vehicle during police chase, where endorsements stated that insurer had no duty to pay damages on city's behalf unless defenses of sovereign and governmental immunity were inapplicable and that policy and coverages were not a waiver of sovereign immunity.