BOBBY JINDAL
GOVERNOR

ANGELE DAVIS
COMMISSIONER OF ADMINISTRATION

State of Louisiana

Division of Administration
Office of Human Resources

DIVISION OF ADMINISTRATION

PERSONNEL POLICY NO. 7

EFFECTIVE DATE: **July 1, 1990**

REVISED DATE: **January 24, 1994; March 27, 2009**

SUBJECT: **Job Related Automobile Accidents**

AUTHORIZATION: **Barbara Goodson, Deputy Commissioner**

I. POLICY:

In accordance with the Louisiana Administrative Code and guidelines within this policy, all Division of Administration (DOA) employees shall comply with the reporting of an automobile accident (or other events in which damage occurs) involving a State-owned or leased licensed vehicle or a privately-owned vehicle being operated with proper authorization during the course and scope of State employment.

II. PURPOSE:

The purpose of this policy is to set forth guidelines governing job related automobile accidents.

III. BACKGROUND:

The State of Louisiana provides insurance coverage for:

Liability and physical damage to State-owned and leased licensed vehicles, and

Excess liability coverage for employee's private automobiles while being operated with proper authorization during the course and scope of State employment.

IV. APPLICABILITY:

This policy applies to all employees in all sections of the Division of Administration, both general and ancillary appropriations.

V. DEFINITION:

Vehicular Accident – Any incident in which the vehicle comes in contact with another vehicle, person, object, or animal that results in death, personal injury, or property damage, regardless of who was injured, what was damaged or to what extent, where it occurred, or who was responsible.

VI. PROCEDURE:

Safety Managers should ensure that a Louisiana State Driver Safety Program Accident Report Form DA 2041 is provided to each employee traveling on state business. The form can be downloaded from: http://doa.louisiana.gov/orm/formsCR.htm.

Any driver involved in an accident while operating a state vehicle or a privately-owned vehicle on state business shall report the accident to the nearest law enforcement agency, his/her immediate supervisor, and the Safety Manager on the day of the accident.

The driver involved in the accident shall complete form DA 2041 at the scene of the accident. If certain information is unavailable, the report should still be completed with available information. Information which is unavailable can be obtained at a later date. **The driver should not leave the scene of the accident until he/she has obtained the information required to complete form DA 2041.**

The DA 2041 form must be submitted by the supervisor to the Safety Manager immediately upon the driver's return to the workplace. The employee's supervisor may assist in completing the report, if necessary.

If the driver is not able to complete form DA 2041 at the scene of the accident, the driver's supervisor should complete the report to the best of his/her ability for the employee.

Form DA 2041 shall be completed within 24-hours after any vehicular accident while on state business and forwarded by the Safety Manager to the DOA Safety Coordinator and the Office of Risk Management (ORM) Claims Unit, Claiborne Building, 1201 North Third Street, Suite G-192.

A copy of the Uniform Motor Vehicle Traffic Accident Report (police report) should be sent to the ORM Claims Unit by the Safety Manager as soon as it is received by the section. Do NOT delay submission of form DA 2041 while waiting on the police report.

The DOA Safety Coordinator will review the Accident Report Form, the Uniform Motor Vehicle Traffic Accident Report (police report – if one was completed), and the Authorization and Driving History Form (DA 2054).

All automobile claims must be reported by the ORM Claims Unit as soon as possible. In most cases, the prescription periods for reporting accidents are one year. ORM will only pay for covered losses reported before one year from the date of the accident or discovery date. If repair or replacement of a state vehicle is not completed within 12 months of the loss date, or if approval is not obtained from the Commissioner of Administration within the same period of time for expenditure of insurance proceeds for some other purpose, the claim file will be closed.

If a loss involves property damage estimated at $5,000 or more or if a loss involves any bodily injury, the loss is to be reported by telephone to the ORM Claims Unit by the Safety Manager.

All lawsuits, demands, notices, summons, or other legal documents pertaining to a claim against a state agency are to be submitted immediately by the employee or the supervisor to the ORM Claims Unit for further handling.

Any objects and/or products which may have caused, contributed to, or which are suspected of causing an accident are to be retained and preserved as evidence and given to the ORM Claims Unit.

If a loss occurs or a claim arises, do not assume any obligation or incur any expenses without authority from the ORM Claims Unit.

Note: If an accident occurs in an employee's personal vehicle while he/she is on state business, mark through "state vehicle" and write "personal vehicle" on the Louisiana State Driver Safety Program Accident Report Form DA 2041. In addition, in ALL cases the employee's liability insurer is the primary insurer of the accident. ORM's coverage is in excess over any other collectible insurance.

More information relative to the reporting of state automobile liability and physical damage claims such as reimbursement of collision deductible on employees' personally-owned vehicle used on state business, towing of state vehicles, reduction of automobile liability limit in a special circumstance, rented motor vehicles and/or courtesy vehicles, and guidelines for in-house repairs to state owned licensed vehicles can be found on the Office of Risk Management's website at: http://www.doa.louisiana.gov/orm/index.htm.

VII. RESPONSIBILITY:

The Deputy/Assistant Commissioners are responsible for:

Holding accountable the section heads under their supervision for adhering to all aspects of this policy.

Section Heads are responsible for:

Assuring that each employee, current and new, is made aware of this policy and its contents as well as any forthcoming revisions.

Managers/Supervisors are responsible for:

Assisting employees with form DA 2041, if necessary.

Forwarding form DA 2041 to the Safety Manager for handling.

Employees are responsible for:

Adhering to the guidelines outlined in this policy.

Assuring that appropriate authorization is obtained prior to operating a State-owned or State-leased vehicle.

Assuring that appropriate authorization is obtained prior to driving a privately-owned vehicle during the course and scope of State employment.

Reporting accidents that occur while operating a state vehicle or a privately-owned vehicle on state business.

Completing form DA 2041 when involved in an accident on state business.

Bringing to the attention of the Commissioner, Deputy/Assistant Commissioner, the Section Head, or the Director of the Office of Human Resources, any violation of this policy.

Safety Managers are responsible for:

Ensuring that a form DA 2041 is provided to each employee authorized to travel on state business.

Forwarding all required documentation to the DOA Safety Coordinator and the ORM Claims Unit in a timely manner.

VIII. EXCEPTIONS:

Requests for exceptions to this policy shall be justified, documented and submitted to the appointing authority for consideration.

IX. QUESTIONS:

Questions regarding this policy should be directed to the Office of Human Resources.

X. VIOLATIONS:

Failure of an authorized driver to report an accident while operating a state vehicle or a privately-owned vehicle on state business may be cause for Suspension of Driver Authorization and/or may result in disciplinary action.