

OK, YOU'VE HAD A MOTOR VEHICLE ACCIDENT, SO NOW WHAT HAPPENS?

Well, that depends on **who** you are and **when** we're talking about. Hopefully, the following will help explain "Who's On First."

You are the state driver and it is immediately following the accident.

- At the accident scene, **do not admit fault or make any promises** that the state will pay for any damages. Using the Std 269 card that should be in your glove compartment, write down as much information as you can. Tear off the perforated part and give it to the other driver so he/she will know who you are and how to contact us.
- **If there were injuries to non-state parties, or if the other party suffered significant property damage**, report the accident to the Office of Risk and Insurance Management (ORIM) by telephone at (916) 376-5302. Complete the Std 270 **as soon as possible**. Have your supervisor or safety coordinator review the Std 270 **and sign it**.
- Immediately **FAX** a copy of the accident report (signed by employee and supervisor/safety coordinator) to the ORIM at 916-376-5277.
- **The original Std 270 must be mailed to the ORIM within 48 hours following the accident.**

If you are contacted by the other driver, their insurance company or their attorney, give the caller **no** written nor recorded statements and refer them to the ORIM.

You are the state driver's immediate supervisor or safety coordinator.

- Review and co-sign the Vehicle Accident Report (Std 270) to attest to the fact that the employee was on official state business.
- Investigate the accident to determine if it was preventable.
- Complete the Supervisor's Review of Motor Vehicle Accident (Std 274).
- Mail Std 274 to the ORIM at the following address:

ORIM, Claims Unit
707 Third Street, First Floor
West Sacramento, CA 95605

Whoever you are, if contacted by the claimant, it's OK to tell them the following:

- The ORIM handles and makes **all** the decisions on accident claims. ("All I do is report them to Sacramento".) **Make no promises nor commitments to the claimants that their claim will be paid!**
- **Refer claimants directly to the ORIM (916-376-5302 or 1-800-900-3634) to expedite the handling of their claim.**
- **If** claimant wishes to protect themselves from the six-month claim-filing statute of limitations (see Government Code Sec. 910 et seq.), they **may also** file a formal claim against the State by contacting the State Board of Control (800-955-0045 or 916-323-3564) to obtain a fill-in-the-

blank Tort Claim form. **This form must be completed and returned to the Board of Control prior to six months after the accident.**

- In order to substantiate and document their property damage claim, **the claimant must provide the ORIM with a written estimate(s) as follows:**

One estimate if the repairs are less than about \$500

Two estimates if the repairs are more than about \$500

- If the claimant says that the "Motorists' Bill of Rights" says they are only required to submit one estimate, tell them that is true, but only when one is dealing with his/her own insurance company.
- If the claimant's car is not drivable, obviously they cannot obtain competitive repair estimates. The ORIM will handle this situation.
- The claimant **may elect** to have their own insurance company repair the damage if they have collision coverage. Their insurance company can then press their claim against the State and reimburse them. This is an **option** which is generally faster than making a claim against the State directly.
- **If** the claim is **only** for property damage, the claimant's vehicle is drivable, and they are willing to allow you to delay forwarding the Std 270 to the ORIM by a couple days (only) to allow them time to obtain and give you one or two repair estimates, you can then wait to send in the Std 270 until you can attach the repair estimates to it. This approach, to be used **only with a cooperative claimant**, enables our office to obtain the entire package together at one time.

You are the state driver, and you have been served with a Small Claims Court summons and complaint.

- **You will have to appear as ordered!** The ORIM, the Attorney General's Office and/or Caltrans' Legal Division **cannot** appear either with or on your behalf in Small Claims Court.
- You should contact the ORIM to advise us and we will provide you with copies of documents from our file as well as advice on how to proceed to defend yourself and your employer. We recommend that you take your supervisor or safety coordinator along with you to the trial.
- When you receive the verdict or judgment (usually by mail), call the ORIM promptly to advise us of the results.

You are the state driver, and you have been served with a Municipal or Superior Court summons and complaint.

- **Call the ORIM immediately (!!!)** to obtain instructions on how to obtain defense counsel. An answer must be filed within 30 days of service to avoid a default judgment.

If the above does not answer your particular question or address your situation, please call the ORIM at (916) 376-5302 or CALNET 8-480-5302.