



COLORADO

State Office of Risk Management

Department of Personnel & Administration

STATE VEHICLE USE GUIDE

What happens if a state employee is involved in an automobile accident while on state business?:

In a STATE VEHICLE (including vehicles rented or leased by the State):

- The employee must immediately notify their supervisor if they are involved in an automobile accident while in a state vehicle.
- Any bodily injury to the state employee arising from the accident must be reported as a workers' compensation claim.
- If the other party requests information to file a claim, please direct them to the liability claim phone number (303) 866-3848 or website www.colorado.gov/dhr/liability-claims. [The State Office of Risk Management](#) (SORM) will investigate and handle any property damage or personal injury claims filed by the other driver or a third party.
- **IMPORTANT:** If a state employee is ticketed for an accident (whether in a state vehicle or in their personal vehicle), SORM is not liable for and will not pay if a court orders the state employee to pay restitution to a victim of the accident (for personal injury or property damage).
 - Restitution can be ordered if a person is convicted of or pleads guilty to a criminal traffic charge or to a traffic ticket (even if it's a minor traffic ticket).
 - The employee must immediately notify SORM of any legal notices or correspondence received, and cooperate with SORM's investigation and handling of any claim.
 - State employees are also encouraged to contact SORM and your supervisor prior to accepting or pleading down a ticket arising from a work-related driving incident.
- Please review the [State Fleet Management Vehicle Operator's Manual](#) for further information on what to do if involved in an auto accident.

In A PERSONAL VEHICLE:

- Any bodily injury to the state employee arising from the accident must be reported as a workers' compensation claim.
- SORM can not cover damage to the state employee's personal vehicle in the event of an accident while the vehicle is being used for state business, nor does SORM cover damage to the other vehicle, to the driver or occupants of the other car, or to any third party or their property.
- Instead, if the state driver is liable, the state employee is responsible for any liability or property damage claims related to the accident, including those to the "other car," its driver/occupants, and to third parties. The employee is encouraged to file a claim with their automobile insurer. SORM recommends that prior to using a personal auto for state business, the driver contact their personal auto insurance carrier to verify coverage for work related travel. Some carriers require notice of the business use, or may discuss other insurance options to ensure coverage in case of an accident. In the event of an accident while on state business in a personal car, the employee should immediately notify their personal auto insurance carrier, and must notify his/her supervisor (for Work Comp purposes).
- Finally, as above, SORM is not liable for and will not pay if a court orders the state



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employee to pay restitution to a victim of an accident.

- Restitution can be ordered if a person is convicted of or pleads guilty to a criminal traffic charge or to a traffic ticket (even if it's a minor traffic ticket).
- The employee must immediately notify SORM of any legal notices or correspondence received, and cooperate with SORM's investigation and handling of any claim.
- State employees are also encouraged to contact SORM and your supervisor prior to accepting or pleading down a ticket arising from a work-related driving incident.

Who Can Drive A STATE VEHICLE?

- Per the [Colorado Governmental Immunity Act \(CGIA\)](#), only state employees and authorized volunteers are covered by the State self-insurance liability fund to drive a state vehicle.
 - A "Public Employee" under the CGIA is defined in CRS 24-10-103(4)(a) as an officer, employee, servant, or authorized volunteer of the public entity, whether or not compensated, elected, or appointed, but does not include an independent contractor or any person who is sentenced to participate in any type of useful public service.
 - An "authorized volunteer" is a person who performs an act for the BENEFIT of a public entity at the REQUEST of and subject to the CONTROL of such public entity. When an authorized volunteer drives a state vehicle, liability coverage applies to that driver. Workers' compensation does not apply, however, and the authorized volunteer is responsible for his or her own medical payments.
 - A temporary employee who receives a state payroll check is considered a state employee, and can drive a state vehicle. However, temporary employees hired and paid through a contract by a non-state entity are not covered under the CGIA or the State's self-insured liability programs and cannot drive state vehicles.
- State employees should notify their supervisor immediately if involved in any accident in a state vehicle.
 - The employee must immediately notify SORM of any legal notices or correspondence received, and cooperate with SORM's investigation and handling of any claim.
 - SORM will confirm with the employee's department or school that the state employee was "in course and scope of employment" while driving the state vehicle.
 - The employee should also notify his/her personal auto carrier of the accident claim.
 - The employee can refer the carrier to SORM for further information.

Who Can Occupy A STATE VEHICLE?

SORM endorses the State Fleet Management Rule that state vehicles are to be used for official state business only and non-employees should never be transported in state vehicles. Transporting persons who are non-state employees in state vehicles greatly increases the financial risk to the State. Therefore, if a person who is not a state employee is transported in a state vehicle there should be a compelling business reason to do so. Convenience or to save money short-term is not a compelling reason.



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Does The State Provide Insurance for PERSONAL VEHICLES?

No, the State cannot insure property not owned or leased by the State. Colorado insurance law requires that all vehicles be insured for liability, and the owner's coverage is primary. Employees who drive their personal vehicles on state business must have their own liability policy. SORM will not pay for deductibles, premiums, or physical damage to an employee's automobile even when used for work purposes.

Is A STATE VEHICLE Covered When Driven Out-Of-State?

State vehicles are covered for liability when driven out-of-state (but not out of the country). Renting a car pursuant to the [State Price Agreements](#) for rental vehicles is the preferred rental option, but is not required. If you rent a vehicle outside of the price agreements, insurance for liability and physical damage is required to be purchased to cover the rental vehicle.

Are RENTAL VEHICLES Covered by the State's Liability Insurance?

The renting or leasing of a motor vehicle is subject to the State Price Agreements, administered by the [State Purchasing and Contracts Office](#). The rental/lease agreement obtained through the State Price Agreements must include the purchase (or inclusion via terms and conditions of the State Price Agreements) of vehicle physical damage and liability insurance. Vehicles rented outside of the State Price Agreements must have the liability and physical damage coverage purchased to cover the rental vehicle. If this optional coverage is not selected, individual agencies may be responsible for reimbursing SORM if any payments are made that would have been covered by choosing the coverage.

Who Provides Coverage For Physical Damage To STATE VEHICLES?

Collision coverage (or its premium cost) is not provided by the SORM for any state-owned vehicle. State Fleet Management provides a physical damage program applicable to some state-owned vehicles. If a vehicle is owned directly by a state department and not covered by Fleet Management, that department may purchase physical damage/comprehensive coverage through the state's insurance broker. [Contact SORM](#) to obtain further information on the coverage that may be purchased. In addition, the State Price Agreements provides physical damage and liability coverage on rented vehicles via their Price Agreement program. The vehicle must be used in the course and scope of State employment.

Are STATE VEHICLES Equipped With Telematics?

Beginning July 1, 2020, the legislature approved funding and use of telematics devices in State-owned vehicles. State Fleet Management has contracted with a provider to monitor the telematics equipment. The vehicles will be equipped with the devices, with a planned roll out of equipping 25% of the fleet every year until all state fleet vehicles are equipped with the telematics devices. Telematics devices are used to monitor equipment and systems inside the vehicle, but it also notes other information including but not limited to speed, turning movements and collision indicators. Employees should anticipate that when driving a state vehicle, their driving actions will be monitored. SORM and the employee's agency may use this information if the employee and vehicle are involved in an accident. Telematics information may also be used for other state purposes, and is subject to public disclosure as allowed or required by law. Further information on telematics may be found on the [State Fleet Management web pages](#).

If there are additional questions or clarification is needed regarding the State's insurance coverages, please contact Lee Taylor, at SORM, by calling 303-866-3848, or e-mailing lee.taylor@state.co.us.