

CHAPTER 5
REPORTS OF INCIDENTS – STATE BUSINESS VEHICLE COLLISIONS
TABLE OF CONTENTS

<u>PURPOSE</u>	5-3
<u>POLICY</u>	5-3
Incidents Requiring Reporting	5-3
Exceptions to Reporting Procedures	5-4
Submission and Time Frames	5-5
Other Documents Which May Be Required.....	5-7
<u>FORM DETAILS AND COMPLETION INSTRUCTIONS</u>	5-8
STD. 270, Vehicle Accident Report	5-8
CHP 208, Collision Prevention Report.....	5-9
<u>REIMBURSEMENT FOR DAMAGES TO PRIVATELY OWNED VEHICLES OR</u> <u>COMMERCIAL AUTOMOBILE RENTALS</u>	5-10
Claims for Reimbursement	5-10
Approval	5-11
<u>PRIVATE VEHICLE INSURANCE/DEPARTMENT OF MOTOR VEHICLE</u> <u>RECORDS – UNIFORMED EMPLOYEES</u>	5-12
Patrol Vehicle Collisions	5-12
Department of Motor Vehicle Records.....	5-12
Confidential Home Address Status.....	5-12
 <u>ANNEXES</u>	
<u>A – DISTRIBUTION OF REPORTS</u>	5-13'

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 5

REPORTS OF INCIDENTS – STATE BUSINESS VEHICLE COLLISIONS

1. PURPOSE. The purpose of this chapter is to establish departmental procedures for the reporting of vehicle collisions which occur while on official state business and to provide routing direction for submission of all required reports. These reports enable the Department to recover damages, identify employee risks, and correct unsafe practices. The state is self-insured against loss by personal injury or property damage arising from, or in any way connected with, the operation of a state vehicle. The Department's self-insurance protects officers and employees of the state when they are operating state-owned vehicles on official state business. Limited reimbursement for damages to privately owned vehicles or commercial rental vehicles when operated on official state business is contained in Government Code Section 19820(a).

NOTE: For the purposes of this policy, any vehicle that is used on official state business (e.g., state-owned, privately owned, or commercial rental) will be referred to as a state vehicle.

2. POLICY.

a. Incidents Requiring Reporting. An investigation shall be conducted for every damage or injury-causing event involving a state vehicle. The following incidents require the associated documentation to be completed as indicated:

(1) Any incident involving a state vehicle being driven by a state driver which results in injury or property damage, whether on or off highway. A CHP 208, Collision Prevention Report, STD. 270, Vehicle Accident Report, and CHP 555, Traffic Collision Report, are required. (Refer to paragraphs 2.c.[1]-[3] for information on submitting.)

(2) Any incident in which a state vehicle is legally parked, whether or not the state vehicle is in transport, and is struck by another vehicle. A CHP 208, STD. 270, and CHP 555 are required.

(3) Any incident where it is/may be alleged the state vehicle was the proximate cause of a collision. An investigation shall be conducted regardless of whether or not there was actual physical contact between the state vehicle and any vehicle, object, or person. A liability-only STD. 270 is required. A CHP 208 and CHP 555 are required if it is determined the state vehicle was involved as a "noncontact" party to the collision.

(4) Anytime unreported damage to a state vehicle is discovered. The last driver of the state vehicle shall be documented as the party responsible for the damage. A CHP 208 and STD. 270 are required. A CHP 555 is required if deemed appropriate by the Area commander.

(5) Anytime hidden damage to a state vehicle is discovered (e.g., the vehicle's undercarriage). In those instances where the commander deems it appropriate, the report may be submitted indicating the driver as "unknown." An STD. 270 is required. A CHP 208 and/or CHP 555 are required if deemed appropriate by the Area commander.

(6) Any collision or an occurrence when other than a state employee is the driver of the state vehicle, such as a garage mechanic where the vehicle was left for repairs. An STD. 270 is required. A CHP 555 may be required as deemed appropriate by the Area commander.

(7) Any incident involving legal intervention which meets the definition of a collision in accordance with Highway Patrol Manual (HPM) 110.5, Collision Investigation Manual, Chapter 2, Definitions and Classifications of Collisions. A CHP 208, STD. 270, and CHP 555 shall be completed.

(8) Any incident in which a state vehicle is utilized to push a vehicle and the pushed vehicle is involved in a collision with another person, object, or third party vehicle(s). A CHP 208, STD. 270, and CHP 555 shall be completed.

b. Exceptions to Reporting Procedures. The following scenarios do not require a CHP 208 or STD. 270:

(1) When during the course of a pursuit, the suspect vehicle is involved in a collision and damage and/or injuries are confined to the pursued vehicle and suspect. This type of incident only requires the completion of a CHP 555 as appropriate unless it is/may be alleged the state vehicle was the proximate cause of the collision as outlined in paragraph 2.a.(3).

(2) When during the course of a pursuit, the suspect vehicle sustains damage as a result of legal intervention and the damage is isolated to the contact point of the legal intervention (e.g., scrapes and/or dents from a Pursuit Immobilization Technique, damaged tires from a hollow spike strip).

(3) An action of the elements (e.g., hail, wind damage, sand storm).

(4) When there is damage to glass from unknown causes.

(a) When there is windshield or other glass damage caused by objects propelled from the roadway surface by movement of another vehicle even

though it meets the definition of a “motor vehicle collision” unless there is injury to a person.

(5) Collisions with birds that move unexpectedly into the vehicle’s path and cannot be avoided, if the injury is confined to the bird.

(6) A motorcycle sustains damage as a result of it falling from its kickstand.

(7) When there is damage caused by the push bumper during the removal of a vehicle or equipment from the roadway and the damage is limited to the contact point on the privately owned vehicle or the California Highway Patrol (CHP) vehicle.

NOTE: This exception does not apply if either involved vehicle sustains damage from striking another object during the push bumper removal.

(8) When unintentional damage is sustained by the acts of persons in-custody or unknown.

(a) A CHP 51, Memorandum, shall be completed and submitted to Fiscal Management Section (FMS) indicating the cause of the damage.

(9) When malicious damage is sustained by the acts of persons in-custody.

(a) A CHP 221, Malicious Damage Report, shall be completed in triplicate and distributed as follows:

1 The original is retained at the office.

2 A copy is forwarded to FMS, Reimbursable Services Unit, with a court order of restitution attached. Do not send the CHP 221 to FMS without a court order of restitution.

3 A copy is forwarded to the local district attorney’s office within five days of the incident.

c. Submission and Time Frames. For instructions on distribution, refer to Annex A of this chapter. Reports shall be submitted within the following time frames:

(1) STD. 270, Vehicle Accident Report.

(a) A completed STD. 270 shall be routed to the Department of General Services (DGS), Office of Risk and Insurance Management (ORIM), within

48 hours from the time of incident. If a completed STD. 270 cannot be routed to DGS, ORIM, within 48 hours, a preliminary report shall be routed within 48 hours. The preliminary report shall contain, at minimum, the involved party information, as well as the date, time, and location of the incident. The completed STD. 270 shall then be routed to DGS, ORIM, as soon as possible. A preliminary copy of the STD. 270 may be sent by fax to (916) 376-5277 or via e-mail to claims@dgs.ca.gov. Completed reports shall be mailed to DGS, ORIM, at the following address: Department of General Services, Office of Risk and Insurance Management, 707 Third Street – First Floor, West Sacramento, CA 95605.

1 The DGS, ORIM, shall be notified as soon as possible if a death, serious injury, illness, or substantial property damage occurs to a nonstate party as a result of a vehicle collision.

a If the vehicle collision occurs Monday-Friday, 0800-1700 hours, DGS, ORIM, shall be notified by telephone at (916) 376-5300/5301/5302.

b If the vehicle collision occurs during nonbusiness hours, it shall be reported to DGS, ORIM, by leaving a voice message at (800) 900-3634.

(b) An STD. 270 shall be completed by Area and a copy routed to the appropriate Division within seven calendar days. Division offices shall review the STD. 270, including any changes or corrections required to be made by the Area, and submit the report to the Office of Risk Management (ORM), Risk Management Unit (RMU), within ten calendar days of the date of receipt. In the event a completed STD. 270 cannot be routed to ORM, RMU, within ten calendar days, the involved Division shall notify ORM, RMU, of the delay and submit the completed STD. 270 as soon as possible. The STD. 270 can be routed to ORM, RMU, via e-mail at RiskManagementUnit@chp.ca.gov.

(2) CHP 208, Collision Prevention Report.

(a) The CHP 208 shall be completed by the Area and routed to the appropriate Division office within seven calendar days. Preliminary CHP 208 reports shall not be routed. In the event a completed CHP 208 cannot be routed to the appropriate Division office within seven calendar days, the involved command shall notify the appropriate Division office of the delay and submit the completed CHP 208 as soon as possible.

1 Division offices shall review the CHP 208, including any changes or corrections required to be made by the Area, and submit the report

to ORM, RMU, within ten calendar days of the date of receipt. In the event a completed CHP 208 cannot be routed to the ORM, RMU, within ten calendar days, the involved Division shall notify the ORM, RMU, of the delay and submit the completed CHP 208 as soon as possible.

(3) CHP 555, Traffic Collision Report.

(a) The CHP 555 shall accompany the CHP 208 at the time of routing. In the event the CHP 555 is incomplete at the time the CHP 208 is routed, a copy of the preliminary face pages of the CHP 555 shall be routed. The finalized CHP 555 shall then be routed directly to ORM, RMU, upon completion.

(b) Per HPM 110.5, Chapter 13, Guidelines for the Investigation and Documentation of Specific Collisions, paragraph 6., some “collision events” and incidents are not reportable to the Statewide Integrated Traffic Records System and might not be documented as a collision using the CHP 555. If an incident requires a CHP 208/STD 270, and is not documented on a CHP 555 (e.g., the incident is documented on a CHP 216, Arrest – Investigation Report), the incident documentation shall accompany the CHP 208 at the time of routing. For tracking purposes, this documentation shall also include a completed Page 2 of the CHP 555.

d. Other Documents Which May Be Required.

(1) CHP 121, Employer's Report of Occupational Injury or Illness.

(a) A CHP 121 is required when a departmental employee is injured and shall be completed and forwarded as described in HPM 10.7, Injury and Illness Case Management Manual, Chapter 5, Documentation.

(2) CHP 442, Individual Accident, Injury and Safety Recognition Record.

(a) Whenever an employee is involved in a collision/occurrence requiring the submission of a CHP 208 or suffers an injury requiring the submission of a CHP 121 to State Fund, the incident shall be recorded on a CHP 442 as required in HPM 10.7, Chapter 5, and HPM 150.1, Departmental Awards Manual, Chapter 7, Safety Recognition Program. The original CHP 442 shall be retained in the employee’s field medical file.

(3) CHP 600, Right to Privacy Instructions Relative to Occupational Injuries/Illnesses and Vehicle Accident Reports.

(a) A CHP 600 shall be provided to each employee involved in a CHP vehicle collision. A CHP 600 instructs employees who have been involved in vehicle collisions about the disposition of collision records, and of the rights to privacy and access to such records.

3. FORM DETAILS AND COMPLETION INSTRUCTIONS. Areas shall retain the original documents for a period of five years for Nonthreshold Incidents and ten years for Threshold Incidents as prescribed in Chapter 2, Reports of Incidents – Potential Civil Litigation, of this manual.

a. STD. 270, Vehicle Accident Report. The STD. 270 is used to preserve the details of a collision involving a vehicle used on official state business in the defense of liability claims brought by third parties.

(1) Completion Instructions.

(a) When the collision involves a private vehicle or commercial rental being used on official state business, the “Employee Owned” or “Rental” box, included in the “State Vehicle” section, shall be checked to distinguish it from a state-owned vehicle collision.

(b) When a legally parked patrol vehicle or vehicle used for official state business is involved in a collision, the name of the officer in charge of the vehicle shall be entered on the STD. 270 with an appropriate statement such as “unattended vehicle” or “legally parked” included in the “Accident Details – Description” section.

(c) The report shall include insurance information of other parties (i.e., company name, address, policy number) if applicable.

(d) A liability-only incident is an incident when there is an injury to a nonstate employee or damage to a nonstate vehicle/property and a connection between a state vehicle could be alleged. A liability-only incident shall be reported on the STD. 270. The “Check here for liability only” box, located at the top right hand corner of the STD 270, should be checked for a liability-only incident. The reporting for a liability-only incident would involve, but is not limited to:

1 A pursuit by the CHP which allegedly causes a collision of other third-party vehicle(s).

2 An individual injures themselves when shutting a CHP vehicle door on their own hand.

3 A motorcyclist skids on the shoulder and overturns while being signaled to pull over by a CHP uniformed employee.

4 A confused driver collides with a third-party vehicle while being signaled to pull over by a CHP uniformed employee.

5 A departmental vehicle tire flips up a rock(s), causing damage to another vehicle.

b. CHP 208, Collision Prevention Report. The CHP 208 is utilized to evaluate the preventability of a collision through review of the employee's actions. The CHP 208 is not required when an STD. 270 has been completed for a liability-only incident. A liability-only incident is not to be listed on the CHP 113, Injury and Collision Report.

(1) Completion Instructions.

(a) When a legally parked state vehicle is involved in a collision, the name of the officer in charge of the state vehicle should be entered on the CHP 208 with an appropriate statement such as "unattended vehicle" or "legally parked."

(b) The documenting supervisor shall provide a recommendation as to whether or not collection procedures should be initiated.

(c) The documenting supervisor shall provide constructive suggestions relating to the prevention of future or similar collisions/occurrences. Supervisors may also include constructive suggestions related to whether additional safety equipment/features could be provided and used to mitigate the extent of injury or damages in future incidents.

(d) The commander's recommendation shall include whether there is concurrence or nonconcurrence with the investigating officer and any determination as to whether the actions of the involved employee were negligent or censurable. If the actions of the employee were found to be negligent or censurable, the action taken or contemplated by the commander and any other appropriate suggestions or comments relating to the incident shall be noted.

4. REIMBURSEMENT FOR DAMAGES TO PRIVATELY OWNED VEHICLES OR COMMERCIAL AUTOMOBILE RENTALS.

a. Claims for Reimbursement. Claims for the reimbursement on actual repair expenses incurred as a result of a collision or other damage to privately owned or

commercial rental vehicles while being used on official state business are subject to conditions set forth in the State Administrative Manual (SAM).

(1) As outlined in HPM 11.1, Administrative Procedures Manual, Chapter 2, Travel Advances and Expense Claims, a privately owned vehicle used on state business must be covered by collision insurance. Employees should be aware that if a privately owned vehicle, without insurance coverage, is damaged while on state business, it will be necessary to file a claim with the Government Claims Program to seek reimbursement. The Department can only reimburse damage cost that is not covered by the employee's insurance, which is normally just the deductible. Reimbursement will be for damages which occurred while the vehicle was being used on official state business.

(a) Reimbursement is made only when damage was through no fault of the officer, agency, or employee and the loss is not recoverable through the insurance of any involved party.

1 For legal defense information when a civil damage suit results from a collision involving a privately owned vehicle used to conduct official state business, an employee should refer to HPM 11.1, Chapter 9, Civil Actions, Defense of Employees, Small Claims Actions, Constitutionalist Actions, Indemnification of Citizens, Victims of Violent Crimes.

(b) Procedures for Privately Owned Vehicles. After the employee has attempted to recover all damages through insurance coverage, a CHP 262, Travel Expense Claim, may be filed to claim reimbursement for outstanding costs as outlined above. An employee submitting the claim shall:

1 Have the completed forms, as required in paragraph 2. of this manual, on file with the Department, as well as an STD. 261, Authorization to Use Privately Owned Vehicles on State Business. The STD. 261 shall have been on file prior to the damage having occurred.

2 Attach a copy of the STD. 270, signed by the commander, three repair estimates, and a receipt(s) for actual repairs made and/or replacement parts.

3 Enter the following certification in the "Purpose of Trip, Remarks, and Details" box of the CHP 262:

"I hereby certify that this expense was incurred by me as a result of damage to my privately owned vehicle. This expense is not

reimbursable through the insurance coverage of any of the parties involved in the collision.” (Refer to SAM Section 0757.)

(2) Commercial Rentals. When commercial rentals are used for official state business, reimbursement will not be made for costs of a damage waiver. However, reimbursement will be made for any loss sustained by reason of an employee not having purchased such waiver.

(a) Procedures for Commercial Automobile Rentals. A reimbursement demand for repair costs made against an employee may be claimed on a CHP 262, in the same manner as a privately owned vehicle except that the certification in the “Purpose of Trip, Remarks, and Details” box shall read as follows:

“I hereby certify that this expense was incurred by me as a result of damage to a commercial rental automobile used on official state business by me. This expense is not reimbursable through the insurance coverage of any of the parties involved in the collision.” (Refer to SAM Section 0758.)

b. Approval. The official approving the CHP 262 for collision damage repairs shall complete the following:

(1) Review the STD. 270 and CHP 262 to ensure the employee has complied with the requirements outlined above.

(2) Determine whether the claim is the result of the employee’s decision not to maintain collision coverage. If the determination is the employee did not maintain collision coverage, then a claim may be filed with the Government Claims Program.

(3) The STD. 270 shall be signed to certify the vehicle was being operated on official state business and the accident occurred through no fault of the employee. The approving official’s signature on the CHP 262 certifies the employee has presented sufficient evidence that the repair expense has not been reimbursed by insurance.

5. PRIVATE VEHICLE INSURANCE/DEPARTMENT OF MOTOR VEHICLE RECORDS – UNIFORMED EMPLOYEES.

a. Patrol Vehicle Collisions. Insurers are prohibited from considering patrol vehicle collisions involving uniformed employees when issuing, renewing, or determining premium rates for their private vehicle insurance (Insurance Code Section 488.5).

b. Department of Motor Vehicle Records. The driver's records at the Department of Motor Vehicles (DMV) will list applicable "on-duty emergency vehicle" collisions involving peace officers as follows:

(1) The notation on-duty emergency vehicle will appear on the DL 414, Driver Record Information. Therefore, insurance carriers checking a driver license record who become aware of an on-duty collision shall not consider it when computing private insurance rates. This applies only to collisions involving an authorized emergency vehicle. It does not apply to collisions involving a uniformed employee's privately owned vehicle being driven on official state business.

(2) The California Law Enforcement Telecommunications Systems (CLETS) printout will also indicate an on-duty emergency vehicle notation. If the CLETS printout does not show the on-duty emergency vehicle notation, this can be corrected by forwarding a copy of the collision report and a brief explanation of the omission to the Information Management Division, Support Services Section, Statewide Integrated Traffic Records System Liaison Unit.

c. Confidential Home Address Status.

(1) Certain DMV records are open to public inspection. However, the home address of any peace officer or the spouse or children of a peace officer is confidential and will not be disclosed to any person except a court or law enforcement agency if the peace officer requests confidentiality of that information. As provided in California Vehicle Code Section 1808.4, in lieu of the home address, DMV will disclose the name of the peace officer's employer.

(2) It is the responsibility of the peace officer to request confidential status with DMV through their command. The peace officer's address information is suppressed on the records noted at the time the INV-32, Request for Confidentiality of Home Address, is submitted.

(3) When a REG 138, Notice of Release of Liability, is submitted to DMV, the new owner's information is added to the vehicle record until the transfer to the new owner has been completed. At the time the new owner's application for transfer is updated by DMV, all prior owner information (including confidential address status) is removed from the vehicle record. When a new vehicle is purchased, the peace officer's confidentiality status is not automatically transferred to the new vehicle's record. A new INV-32 should be submitted in order to maintain the confidential address status for the new vehicle.

ANNEX A

DISTRIBUTION OF REPORTS

DISTRIBUTION OF REPORTS

STD. 270, Vehicle Accident Report

Original*	Department of General Services, Office of Risk and Insurance Management
One Copy	Command
One Copy	Division
One Copy	Office of Risk Management (ORM), Risk Management Unit (RMU)

CHP 208, Collision Prevention Report

Original	ORM, RMU
One Copy	Command
One Copy	Division
One Copy*	Department of General Services, Office of Risk and Insurance Management

CHP 555, Traffic Collision Report/CHP 556, Narrative/Supplemental

Original	Command
One Copy	Division
One Copy	ORM, RMU
One Copy*	Department of General Services, Office of Risk and Insurance Management

CHP 442, Individual Accident, Injury and Safety Recognition Record

Original	Command (Employee's Field Medical File)
One Copy	Division

***Denotes the copy can be mailed, sent as a fax, or scanned and sent as an e-mail attachment via routing instructions as shown on the STD. 270. Any one of these methods of delivery constitutes as a copy delivered.**

THIS PAGE INTENTIONALLY LEFT BLANK