

**STATE OFFICE OF RISK MANAGEMENT**  
**STATE VEHICLE USE GUIDE**

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

- **In a state vehicle (owned, rented or leased by the State):** The employee should immediately notify their supervisor if they are involved in an automobile accident while in a state vehicle. All injuries to state employees would be handled by the State of CO self-insured workers' compensation program. If the other party requests information to file a claim, please direct them to the liability claim phone number (303) 866-3848. The State Office of Risk Management (SORM) will investigate liability claims (damage to and/or injuries in the "other car") once the other party files a claim. SORM investigates all claims presented against either the State Department or the state employee and will process any payments to an injured party, as indicated.
- **In a personal vehicle:** We recommend that prior to using your personal auto for state business, you contact your personal auto insurance carrier to verify that you will be covered. Some carriers will require notice of the use, or may discuss other insurance options to ensure you have coverage in case of an accident. The employee should notify their personal auto insurance carrier if they are involved in an automobile accident on state business. All injuries to state employees would be handled by the State self-insured workers' compensation program administered by the SORM. The employee's personal automobile insurance carrier would handle all liability and property damage claims, including those to the "other car" if the state driver is liable.

**Who Can Drive State Vehicles?**

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. Statute CRS 24-10-103(4)(a), defines "Public Employee" 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. "Authorized Volunteer" means 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 attaches to that driver however, workers' compensation does not apply, and the driver is responsible for his or her own medical payments. A temporary employee, that receives a state payroll check, is considered a state employee, and can drive a state vehicle. Non-state temporary employees, hired and paid through a contract, are not covered under CGIA and the State's self-insured liability programs, and therefore cannot drive state vehicles.

**Note:** If a state employee is driving a state vehicle **on personal time**, and is in an accident, the state employee may be responsible for damages to the state vehicle and to the other party if liable. The Employee should notify their manager immediately as with any accident in a State vehicle. The Employee must notify SORM of any legal notices received, and cooperate with our investigation. SORM will confirm with the employee's Department or School that the state employee was not "in course and scope of employment" while driving the state vehicle. The

Employee should notify their personal auto carrier of the accident claim. They can refer their carrier to SORM for further information.

### **Who can occupy State Vehicles?**

The SORM endorses the Fleet Management Rule that state vehicles are to be used for official State business only and non-employees should not 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 non-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.

### **Does the State provide insurance for personal vehicles?**

No, the State can't insure property not owned or leased by the State. Colorado insurance law requires that all vehicles be insured for liability, and that coverage is primary. Employees who drive their personal vehicles on state business must have their own liability policy. Ideally the employee should obtain liability coverage in a minimum amount equal to the Colorado Governmental Immunity Act (CGIA) liability limit per statute CRS 24-10-114(1)(a) & (b). The SORM will not pay for deductibles, premiums or physical damage to an employee's automobile even when used for work purposes.

### **Is the 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 an alternative; but is not necessary.

### **Are rental vehicles covered by State 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, and the use of an approved state credit card. If the rental or lease agreement does not include the use of an approved state credit card the rental/lease agreement should include the purchase (or inclusion via terms and conditions of the State Price Agreements) of liability insurance. Colorado law may severely restrict attempts by the SORM to apply its protection to rented vehicles.

### **Who provides coverage for auto physical damage?**

Collision coverage (or its premium cost) is not provided by the SORM for any state-owned vehicle. 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.

If there are additional questions or clarification is needed, regarding the State's insurance coverages, please contact Lee Taylor, State Office of Risk Management, at 303-866-3848, or e-mail at [Lee.taylor@state.co.us](mailto:Lee.taylor@state.co.us).