

SPAWAR INSTRUCTION 5800.1

From: Commander, Space and Naval Warfare Systems Command

Subj: MOTOR VEHICLE ACCIDENT INFORMATION AND REPORTING
PROCEDURES

Ref: (a) JAGINST 5800.7C (JAGMAN)

1. Purpose. To provide reporting procedures in the event of an automobile accident, either while on temporary additional duty (TAD) or temporary duty (TDY), or while executing permanent change of station (PCS) orders.
2. Scope. This directive applies to all military and civilian personnel employed by SPAWAR and its activities.
3. Background. A number of employees at SPAWAR headquarters and its activities have been involved in automobile accidents while driving rental cars authorized by their TAD/TDY orders.
4. Discussion. The government may be liable in the event of a motor vehicle accident. Government liability is determined by the law in the state where the accident occurs. For example, in some states, the employer is not liable if the employee deviates from the most direct route to visit family or while sightseeing. In all instances, the government is not liable if a non-federal employee traveling with the employee, such as a spouse, is driving the vehicle at the time of the accident.
5. Procedures. The following procedures will be followed if an employee is involved in an accident while driving a government vehicle, a rental car authorized by TAD/TDY orders, or a privately owned vehicle (POV) on government business or while executing PCS orders.
 - a. Insurance Waiver. Sign the collision and damage waiver on the rental car contract as employees are insured by the government while executing TAD/TDY orders and will not be reimbursed for additional insurance coverage accepted from the rental car agency.
 - b. Law Enforcement. Provide all requested information to law enforcement officials who are making an accident report or

conducting an investigation. Request a copy of the police or law enforcement report or information on how to obtain a copy.

c. Medical Attention. Seek medical attention immediately if injured and assist other injured persons to obtain medical attention if able to do so.

d. Information Exchange. Exchange information with the drivers and passengers of any other vehicles involved in the accident. Provide and obtain the same information as if involved in an off-duty accident (names, addresses, and phone numbers of drivers, passengers, and witnesses, vehicle registration information, driver's license information, insurance information). However, do not admit fault or liability. With regard to insurance and claims information, indicate that the driver is a federal employee driving on government business. If driving a rental car, provide information regarding the rental car company rather than personal automobile insurance. If driving a government vehicle, state that the government is self-insured. If driving a POV, indicate that government claims procedures will be followed rather than submitting claims to a personal insurance company, unless the driver is determined not to have been on government business at the time of the accident.

e. Reporting Requirements

(1) Vehicle

(a) Government. If driving a government vehicle, report the accident immediately to the command and office providing the vehicle (Public Works Department, Transportation Pool, etc.). Complete a Motor Vehicle Accident Report (SF-91). A blank form should be in the glove box, or it may be obtained from the SPAWAR Staff Judge Advocate's Office (00G).

(b) Rental. If driving a rental vehicle, report the accident immediately to the rental car company's local office or to the toll-free number indicated on your itinerary.

(c) Personal. If driving a POV, report the accident to the employee's personal insurance company. Explain that the employee was driving on government business on TAD/TDY or was executing PCS orders. The reason for reporting the accident to a personal insurance company is that if there are claims against the government, a determination of whether the employee is "in the scope of government employment" is made in accordance with the law of the state where the accident occurred. Under some circumstances, it may be determined that the employee was not within the scope of employment at the time of the accident, and claims against the government may be dismissed or not paid. In

that event, third parties may make claims against the employee's personal insurance. Additionally, claims for damage to the employee's own vehicle are payable only in limited circumstances.

(2) Supervisor. Report the accident as soon as possible to a supervisor and to the SPAWAR Staff Judge Advocate (00G), who will determine whether an investigation pursuant to reference (a) is necessary.

(3) Medical

(a) Civilian Employees. If injured and medical treatment was received or additional medical care is needed, report the accident to the Human Resources Office for assistance in making a Federal Employees Compensation Act claim.

(b) Military Members. If medical care was received at a civilian hospital, report the information immediately to the Office of Medical Affairs, Great Lakes, IL. Obtain assistance in contacting that office from the nearest military Medical Treatment Facility.

6. Action. All SPAWAR personnel shall comply with the provisions of this instruction.

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