

Top 10 List of Auto Questions

1. What vehicles and situations are covered by the automobile liability coverage provided by Risk Management?

Our coverage pays on behalf of state agencies, all sums that agencies become legally obligated to pay as a result of an automobile accident involving a state owned vehicle, a vehicle owned by the employee, or a leased vehicle or a rental vehicle, being operated by an employee, agent or volunteer of the agency while in the course and scope of employment or duties and responsibilities. Our coverage is liability coverage and only pays the claims submitted by the other party, when the state driver is at fault (negligent) in causing an accident. Our coverage does not pay for damage to the vehicle operated by the state driver (no comprehensive or collision coverage) nor do we provide uninsured motorist coverage. The state agency or the owner (state employee) of the vehicle must collect for damages to their vehicle.

2. I drive my personal vehicle on state business. Do I still need to maintain personal automobile insurance?

Yes. Risk Management's coverage is liability only and our monetary limits are \$100,000 per person, \$200,000 per occurrence. Our liability coverage only applies to situations where you are using the vehicle on state business. You may want higher liability limits and/or collision and comprehensive coverage to reimburse you for damage to your vehicle, but in any event, you still need liability and PIP coverage (personal injury protection coverage) to comply with Florida law and cover you when the vehicle is used for personal reasons. Florida law requires you to carry a minimum of \$10,000 of both PIP and property damage liability coverage. We suggest you advise your insurance carrier that you use your vehicle for business purposes and about Risk Management's liability coverage.

3. I transport clients of my agency in my personal vehicle. If they are injured in an auto accident, who pays their medical bills?

Medical bills (as well as lost wages, replacement services and death benefits) incurred by a client would be paid under PIP coverage in accordance with Florida law in the following order:

- a) *If the client owns a vehicle in the state of Florida or resides in a household that does, PIP coverage on the client's vehicle would pay first. If not, then;*

- b) *your PIP coverage would pay next. You are required by law to carry PIP coverage but if for some reason this coverage was not available;*
- c) *the PIP coverage provided by Risk Management would pay next unless the client is incarcerated by the state, a ward of the state, or is a person whose medical needs are otherwise provided by the state in which case the agency would be responsible for the medical bills.*

4. If I am involved in an accident, can I be sued personally?

Generally, you cannot be sued individually. According to Section 768.28(9)(a), F.S., no officer, employee, or agent of the state shall be held personally liable for negligent acts committed in the course and scope of employment unless that person acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety or property. For accidents that don't involve these exceptions, the state agency is the liable party.

5. What insurance coverages should I purchase when I rent a vehicle on state business?

The state's current rental contract is with Avis Rent A Car and per this contract, Avis has agreed to assume all damage losses to rental vehicles specified in the contract. These vehicles include regular cars (sedans) and mini-vans but not vehicles larger than mini-vans such as full size vans and trucks. This means that when renting a truck or any vehicle not specified in the contract or renting any vehicle from another rental car agency, the state agency would be responsible for any damage to the rental vehicle. Therefore, in these situations, we suggest you purchase the collision damage waiver (CDW) or loss damage waiver (LDW) to protect the agency against property damage claims from the rental company when the state employee is not negligent in causing the damage. Risk Management would still handle liability claims from the "third party" in collision losses.

6. Our employees have often been asked by the law enforcement officer investigating an accident for our insurance policy number. What is our auto liability policy number?

The policy number for each agency is different. UF's policy number is AL-0171.

The Bureau of State Liability Claims provides agencies with a pamphlet titled "Fleet Automobile Liability Insurance Information" which can be

placed in state vehicles. This pamphlet provides useful information about our coverage, safety tips, and information to obtain at the accident scene. This pamphlet includes a Florida Automobile Insurance Identification Card. The pamphlet is goldenrod and should already be in all University of Florida vehicles. To obtain a copy of the pamphlet contact Don Clanton at 392-2441 for non-IFAS vehicles or Michele Dyess at 392-6488 for IFAS vehicles.

7. In an automobile accident, explain how claims for property damage are adjusted.

Florida is a comparative negligence state which means each party is responsible for their own percentage of negligence and the resulting damage. As an example, the state driver and the other party were equally negligent in causing an accident. Damages to the state vehicle were \$2,000 while the other party sustained damages valued at \$1,500. The state would owe \$750 to the other party while the other party would owe the state \$1,000. Risk Management would pay the \$750 but the agency would have to collect the \$1,000 from the other party (or the other party's insurance carrier).

8. If Florida is a "no-fault" state, can the state be sued for bodily injuries sustained by a person in an auto accident?

Yes, but only if the injured party meets certain threshold requirements. The injured party must sustain:

- a) significant and permanent loss of an important bodily function;*
- b) permanent injury;*
- c) significant and permanent scarring or disfigurement; or*
- d) death.*

9. What should state employees do following an accident?

Always have the accident investigated by a law enforcement officer regardless of how minor it seems. Report the accident immediately to your supervisor in accordance with agency procedures. Do not discuss the details of the accident with anyone except the investigating officer. Obtain information about the other driver(s) from the investigating officer. Get the names, addresses, and phone numbers of any witnesses. Do not promise anything to the other driver(s) such as to fix their car, furnish a

rental car, etc. Notify the University Insurance Coordinator at 392-7256 if you are driving a non-IFAS vehicle. For IFAS vehicles notify the Accountant in IFAS Facilities Planning and Operations at 392-1984.

10. I drive a state owned vehicle but there are times when I am not using the vehicle "in the course and scope of employment". Does Risk Management provide liability insurance coverage in those instances?

No. We can only provide liability coverage when the vehicle is used for official business or "in the course and scope of employment". You should check with your employer about liability insurance in those instances when you are using the vehicle outside the course and scope of your employment. You may have to purchase a non-owned automobile endorsement from your insurance carrier.

Thank you to Florida's Division of Risk Management who provided their Top 10 List of Auto Questions.