

## CLAIM REPORTING

This section will provide general claims reporting and handling instructions for the various exposures faced by the state of South Dakota. By following these instructions and reporting claims promptly and properly we will protect the State's interests and contain costs of loss. Late or inaccurate claim reporting could jeopardize our defense of the claim. When in doubt about reporting a claim, call the Office of Risk Management.

Our responsibility for the claim does not end when the claim has been reported. We have an obligation to assist in the management of the claim whenever necessary.

Following an accident which results in a claim, you may be contacted by a number of people, including: law enforcement authorities, adjusters hired by the state, attorneys, private investigators, the media, etc. Information should only be given to law enforcement authorities, adjusters hired by the state and attorneys representing the state. All other request for information should be referred to the Office of Risk Management. When discussing the claim, give only the facts, not your opinion. Do not admit liability or fault.

### **Automobile**

If you are involved in an automobile accident:

- ◆ Contact law enforcement immediately; obtain a copy of the Police Report which should be available to you within 24 hours of the accident.
- ◆ Do not move the vehicle until it has been viewed by the authorities.
- ◆ If the accident results in a fatality, serious bodily injury or serious property damage, immediately report the accident to Claims Associates, Inc., the state's adjusting service, at their 24-hour emergency number, 1-888-430-2249. (A card with this information is to be located in the glove compartment of all state-owned vehicles. A sample of that card is included as Exhibit A, page 9-1 in the Exhibit portion of this Manual.)
- ◆ If the other party involved in the accident requests information on how to submit a claim for damages sustained in the accident, provide them with the Claimant's Report of Accident form (Exhibit B, page 9-2) and instruct them to complete the form and mail it to Claims Associates, Inc., for investigation.
- ◆ Obtain names and addresses of all persons involved in the accident as well as all witnesses.
- ◆ As soon as reasonably possible, provide complete, specific, accurate, and truthful information to your agency risk management contact person to complete the State Vehicle Accident Report (Exhibit C, page 9-3). Also provide the contact person with a copy of the Police Report. Request a copy of the completed accident report be returned to you in order that you may check it for accuracy. Keep a copy of the report for future reference, if needed.

### **Bond and Crime**

Claims arising from bond or crime exposures should be reported to the Office of Risk Management as soon as they are discovered.

### **General Liability (Non-automobile)**

- ◆ If you become aware of an accident resulting in a fatality, serious bodily injury, or serious property damage, immediately report the accident to Claims Associates, Inc., the state's adjusting service, at their 24-hour emergency number, 1-888-430-2249.
- ◆ Obtain names and addresses of all persons involved in the accident as well as all witnesses.
- ◆ Provide complete, specific, accurate, and truthful information to your agency risk management contact person to complete the Report of Accident, Incident or Unsafe Condition form (Exhibit D, page 9-4) as soon as reasonably possible. Request a copy of the completed accident report be returned to you in order that you may check it for accuracy. Keep a copy of the report for future reference, if needed.
- ◆ If the other party involved in the incident or accident requests information on how to submit a claim for damages sustained in the incident or accident, provide them with the state of Claimant's Report of Accident form (Exhibit B, page 9-2) and instruct them to complete the form and mail it to Claims Associates, Inc., for investigation.

### **Lawsuits**

If you are served with any legal documents making you a party to a lawsuit, immediately contact the Office of Risk Management. Forward a copy of all the documents you receive. Prompt action is necessary due to the fact there are only 20 days for our attorney to prepare and file an Answer in a lawsuit.

If a state employee is named a defendant in a lawsuit claiming damages for actions covered by the PEPL Fund, defense of the lawsuit will be provided by an attorney hired by the PEPL Fund Executive Director.

### **Property**

Building and contents property losses over \$500, whether insured or not, should be filed with the Office of Risk Management through completion of a Report of Incident form. (Exhibit D. page 9-4)

Claims for property damage to insured buildings should be reported to the Office of Risk Management as soon as possible to facilitate our insurance claim filing process.