

# TRUCK TALK

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**Continental Western Group<sup>SM</sup>**



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## Loss Investigation and Reporting

The US DOT has some very specific record keeping requirements for accidents involving Commercial Motor Vehicles (CMV) – and it's NOT a bad idea for a short refresher course from time to time as a 'brush up' on these requirements. We will attempt to summarize the highlights here – but for the complete rules a review of part 390 of the Federal Motor Carrier Safety Regulations would be a good idea!

## What is an ACCIDENT?

To paraphrase the DOT regulation, it's any time a CMV is involved in an occurrence on a highway which results in (a) A fatality, (b) Bodily injury which results in medical treatment away from the scene, (c) One or more of the vehicles involved requiring towing away from the scene.

## Accident Register & Documentation

All motor carriers must maintain an accident register of all vehicular accidents which contains at least the following information: (a) Date of Accident, (b) City, town or locale of where the accident occurred, (c) Driver name, (d) number of injuries, (e) number of fatalities, (f) Whether HAZMAT (other than fuel from the vehicles involved) was released.

In addition, a file must be maintained of all applicable reports to States or Insurers. This information should best be maintained in a separate file for each accident and it's always a good idea to give each accident its own individual number and file for ease of access and best organization. The accident register must be maintained for a minimum of 1 year after the date of each accident.

## Investigation

At the scene of the accident, a driver of a CMV should make every effort to obtain as much information as possible about not only the vehicles involved but also the people who were riding in those vehicles. Our CWG Accident Packet has all of the information needed but names, addresses and phone numbers. NEVER believe that just because it's on the 'police

report' that this information can be accessed by the driver's employer or insurance company quickly – in many cases these reports are not available for 10 days to 2 weeks AFTER the date of the accident. In addition, it's always a good idea for the Motor Carrier to obtain a copy of the report as soon as it is available. In some cases, law enforcement agencies will FAX reports upon receipt of payment. BUT, remember always that a police accident report is just that – a REPORT which is supposed to be an impartial documentation of the physical facts of an accident by a person who is NOT emotionally involved. Police reports can and may indicate harmful acts which each vehicle did to contribute to the accident but the report DOES NOT indicate who was at fault.

## Reporting

To make sure that prompt and proper attention is given to accidents, they should ALL be reported to the CWG Claims Department. This practice is simply good business and allows the experts to determine if they are as 'minor' as we would all like to believe. If for whatever reason, minor becomes MAJOR, the information is already in place to provide quick and equitable settlement to the involved parties. OBVIOUSLY, accidents involving fatality, serious injury or cargo spill should be reported immediately (24/7) so that immediate assistance and aid can be given. Certainly we should all be aware that non reporting or late reporting of an accident can effect the ability of the adjuster to negotiate a favorable outcome.

## NEW CWG Accident packet WITH Camera

AND, all of this will be a lot easier on the driver who is involved in the accident to get the proper information down and to both his employer and to CWG if our new accident packet is placed in each CMV that you operate. These packets with the cameras included began distribution in January of 2008 – IF you have not received yours by the time you receive this Truck Talk you should contact your AGENT and make arrangements to have a supply shipped to you.