

MOM-RMTD-POL-Property/Casualty Claim Reporting

Category: Risk Management

Effective Date: 08-01-1998

Last Revised: 06-10-2023

Issuing Authority: Risk Management & Tort Defense Division

I. Purpose

In accordance with §2-9-303, MCA, the Risk Management and Tort Defense Division (RMTD) may settle any claim for personal injury/property damage on behalf of state agencies. Timely and accurate reporting of claims is critical in order to protect the interests of the state and its employees. Please follow these procedures to report a claim. The purpose of this procedure is to specify the process and forms which state agencies must use to report property/casualty claims and incidents to the Risk Management and Tort Defense Division.

II. Scope

The division coordinates the settlement and adjudication of property and casualty claims except workers' compensation, group health, life, accidental death and dismemberment, and disability on behalf of state agencies. All other claims shall be filed with the agencies of state government or the university system responsible for administering those programs.

III. Claim Categories - For reporting purposes, claims fall into one of four categories:

A. Vehicle - losses arising from the use of state owned, leased, or courtesy vehicles, mobile equipment, and watercraft.

B. Personal Injury - losses to 'non-state parties' arising from personal injury or property damage other than vehicles.

C. Property - losses to state property other than automobile and personal injury arising from perils such as hail, windstorm, earthquake, fire, theft, etc.

D. Data Breach/Other - losses arising from data/information security breaches and other losses.

IV. Claims Reporting - Timely and accurate reporting of claims is critical in order to protect the interests of the state and its employees.

A. After an agency or university has suffered a loss, the employee most familiar with the incident should immediately notify his/her supervisor and complete a [Report of Incident](#)

form. For vehicular accidents, guidelines about what information to collect and what to say and do at the accident scene may be found in the [Accident Form](#) located in the vehicle glove box.

B. The immediate supervisor or his/her designee must conduct an investigation to determine what happened, why it happened, and how the claim can be prevented from recurring.

C. Any catastrophic property loss, data breach, or other loss which involves a fatality or bodily injury, should be telephoned to RMTD claims staff at (406) 444-2421 by the immediate supervisor or his/her designee as early as possible the day of the incident. The '[Report of Incident](#)' must be signed by the supervisor and submitted to RMTD within 24 hours.

D. For all other losses, the immediate supervisor or designee must assure that a [Report of Incident](#) form is accurately completed, signed, and sent to RMTD within 5 business days. Claims that are not reported within 60 days may be denied.

E. A [Report of Incident](#) form should be initiated even if no injury or property damage resulted from the incident. An incident that occurs today with little consequence for the agency involved, may have serious consequences for others at some future date.

F. The [Report of Incident](#) form must contain only factual information. State personnel who are completing the reports should exercise caution not to place blame on other state employees or admit liability.

G. Do not furnish information on claims or lawsuits to unauthorized persons other than law enforcement officials. Obtain names and address of witness. Refer all other questions to RMTD.

H. In the event of a claim involving theft of money, securities, or other property, notify the police immediately and call RMTD claims staff as soon as possible.

I. Copies of the [Report of Incident](#) form shall be distributed as follows:

ORIGINAL

Risk Management and Tort Defense Division
1625 11th Avenue
P.O. Box 200124
Helena, MT 59620-0124

COPIES

Department of Transportation, Office of Occupational Safety & Health for claims involving motor pool vehicles. One copy of each report shall be maintained by the respective agency. If possible, photographs and diagrams of the losses should also be provided.

J. Contact us. If a loss occurs during normal business hours you may reach any of our staff at their phone extensions <http://rmtd.mt.gov/aboutus/organizationstaff> or call (406) 444-2421. In the event of an emergency, after normal business hours call (406) 444-2421 and press 1. for Jennie Younkin, 2. for Derek Scott, 3. for Kirk Barfuss, 4. for Kathleen McElwain and 5. for Brett Dahl. Your phone call will then be transferred to a live person. Follow the instructions at <http://rmtd.mt.gov/claims/agenciesreportclaims> for filing a claim and send the '[Report of Incident](#)' and other appropriate documentation to our office immediately.

V. Definitions

Claim: A claim is a demand for monetary damages arising from personal injury or property damage. For purposes of this procedure, 'claim' refers to a request for indemnification from a state agency for property damage or a liability claim filed against a state agency, excluding a lawsuit. All claims require that state agencies conduct a preliminary investigation and submit a [Report of Incident](#) to RMTD as described in this procedure. Claimants shall not be directed to use forms, rules, or processes hereinafter referenced, rather, they shall be referred to the procedures outlined on [RMTD's website](#).

Incident: An event, process, or set of circumstances that may result in potential harm or loss to the state.

Indemnification: An agreement where one party agrees to pay claims and associated costs in behalf of another party to an agreed limit, for specified loss exposures, and for a time specific period.

VI. References

[§2-9-303](#), MCA

[§2-9-305](#), MCA

VII. Forms

[Report of Incident Form](#)

[Accident Form](#)

Revised by Sara Snell Last modified 06-10-2023 09:34:22 AM