



Memorandum

Statewide Policy for Self-Retained Auto Program

Date June 5, 2024

1. PURPOSE

This document sets forth a uniform Statewide policy for the Self-Retained Auto Program (SRAP). This Policy applies to the offices and employees of all State agencies that utilize the SRAP and supersedes any other inconsistent policies currently in effect. Each State agency shall adopt procedures consistent with this Policy to address its specific operational requirements. Any violation of this Policy may result in suspension, non-coverage, or removal from the SRAP.

2 SCOPE

This policy applies to State agencies participating in the SRAP.

3 DEFINITIONS

- A. **“Accident”** means an unexpected event or circumstance without deliberate intent.

- B. **“Additional Personal Injury Protection”** or **“APIP”** means coverage purchased as a supplement to No-Fault coverage in increments of \$50,000 and covers medical expenses, lost income, and out-of-pocket expenses.

- C. **“Automobile Claims Administrator”** or **“ACA”** means a private firm, licensed by the NYS Department of Financial Services, to process, adjust, investigate, negotiate, settle, pay, and subrogate automobile claims on behalf of the State.
- D. **“Attorney General”** or **“OAG”** means the Attorney General of the State of New York.
- E. **“Bodily Injury”** means physical injury, sickness, or disease to a person. It also includes death if death results from physical injury, sickness, or disease.
- F. **“Claim”** means a formal request or demand for payment to cover damage or injury from an accident.
- G. **“Commissioner”** means the Commissioner of General Services or their duly authorized representative.
- H. **“Damage”** means destruction or loss of use of property that results from an accident or occurrence.
- I. **“Damages”** means money that one party is legally obligated to pay another as compensation for an injury or loss due to an accident.
- J. **“Driver”** means an individual operating a motor vehicle.
- K. **“First party”** means any injury or damage sustained by the primary insured person or party.
- L. **“Fleet Coordinator”** means a designated agency employee who serves as the main point of contact within an agency for all fleet-related issues.
- M. **“NYS Fleet Management System”** means the system of record for all motor vehicles covered under the SRAP.
- N. **“OGS”** means the NYS Office of General Services.

- O. **“OGS Fleet Management”** or **“Fleet”** means the Business Unit within OGS that manages the SRAP and coordinates Statewide Fleet Enterprise Initiatives.

- P. **“Optional Basic Economic Loss”** or **“OBEL”** means supplemental insurance coverage where the policyholder may choose to have the coverage reimburse medical bills or lost income.

- Q. **“Personal Injury Protection”** or **“PIP”** means coverage for medical expenses and, in some cases, lost income and other damages. PIP compensates covered individuals regardless of who is at fault.

- R. **“Policy”** means the Statewide policy for the SRAP set forth in this document and any amendments that may be made in the future.

- S. **“Property damage”** means damage caused to another person's motor vehicle or property.

- T. **“SRAP”** means the State of New York’s Self-Retained Auto Program.

- U. **“State,” “NYS,”** or **“SONY”** means New York State or The People of the State of New York.

- V. **“State agency”** or **“agency”** means (i) any State agency or department, or any office, division, bureau, or board of such State agency or department, except where the head of such agency or department is not appointed by the Governor and (ii) any State board, committee, or commission, at least one of whose members is appointed by the Governor.

- W. **“State vehicle”** means a motor vehicle owned by a State agency or authority or leased by a State agency or authority for official State business.

- X. **“Subrogation”** or **“subrogate”** means the legal right of an insurer to try and recover costs such as medical payments and/or repairs to its policyholder from the insurer of the at-fault driver.

- Y. **“Uninsured Motorist Coverage”** means supplemental coverage for injuries and/or damage caused by an uninsured driver.

- Z. **“VTL”** means the NYS Vehicle & Traffic Law.

4 OVERVIEW

The SONY is self-retained for its motor vehicle liability. Pursuant to Article 10, Section 203 of the Executive Law, the Commissioner is authorized to satisfy and discharge claims for damage to property or bodily injuries caused in connection with the operation of a motor vehicle by employees of the State acting within the course and scope of their employment or authorized persons providing service to the State. Fleet administers this process.

The SRAP provides motor vehicle liability coverage to passenger and non-passenger motor vehicles owned and leased (where applicable) by the State’s general-funded Executive agencies and higher education institutions. Suits for bodily injury and property damage that exceed statutory limits are brought in the NYS Court of Claims.

The following rules and regulations are set forth for applicability of liability coverage of State-owned and leased (where applicable) motor vehicles covered under the SRAP. Failure to adhere to this policy may result in lack of coverage.

5 COVERAGE

A. Liability Coverage

The SRAP protects covered agencies and drivers against financial loss in the event of an accident. The SRAP provides statutory limits as follows:

Property Damage	\$25,000 Per Person
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Bodily Injury	\$25,000 Per Person
Wrongful Death	\$25,000 Per Person
No-Fault	\$50,000 Per Person
Loss Transfer	\$50,000 Per Person
Uninsured Motorist Coverage	\$25,000 Per Person/\$50,000 Per Occurrence

There is no coverage under the SRAP for claims in excess of these limits.

NYS does not provide for:

1. OBEL or APIP payments. Coverages for any such claims are the responsibility of the agency.
2. State to State damage, (i.e., one agency cannot collect damages from another agency).

B. Coverage Requirements

The following sets forth the general requirements for coverage:

1. Motor vehicles must be entered into the NYS Fleet Management System.
2. Motor vehicles must be operated in compliance with the State Vehicle Use Policy, the agency's own Vehicle Use Policy, and the VTL.
3. State agencies must be supported by the general fund or be higher education institutions.

C. Coverage Exclusions

The following sets forth instances that would exclude coverage:

1. Motor vehicles not active in the NYS Fleet Management System.
2. Motor vehicles not operated in compliance with the State Vehicle Use Policy or an agency's specific Vehicle Use Policy.

3. Equipment, including any attached machinery; bulldozers, farm machinery, forklifts, and other motor vehicles designed for use principally off public roads; vehicles maintained for use solely on or next to owned or rented premises; motor vehicles that travel on crawler treads; motor vehicles, whether self-propelled or not, maintained primarily to provide mobility to permanently mounted equipment; power cranes, shovels, loaders, diggers or drills; or road construction or resurfacing equipment such as graders, scrapers or rollers.
4. Accidents not reported to Fleet or reported to Fleet after 30 days of the accident date without written proof providing clear and reasonable justification for the failure to comply with such time limitation.

D. How to Obtain, Remove and/or Update Coverage

Vehicle inventory changes must be made in the NYS Fleet Management System or by submitting the applicable Fleet Inventory Form. These forms can be found on the OGS website.

6 BILLING AND PAYMENT

Agencies will be billed annually. The SRAP charges a flat, per vehicle fee. Only vehicles in the NYS Fleet Management System will be afforded coverage.

Billing is based on an agency's inventory at the time of billing. Therefore, each agency must ensure that vehicle records are updated in the NYS Fleet Management System accurately and without delay. Failure to update records timely may result in unfavorable billing and/or lack of coverage.

7 ACCIDENT REPORTING PROCEDURES

Fleet Coordinators are required to report all accidents to Fleet within 30 days of the accident date. The SRAP requires a police report, a completed NYS Department of Motor Vehicles *Report of Motor Vehicle Accident Form* (MV-104), and photographs of the vehicle

and/or property damage for all accidents. The most up-to-date information on reporting instructions can be found on the OGS website.

Any Accident reported more than 30 days after its occurrence must be submitted to Fleet with written proof providing clear and reasonable justification for the failure to comply with the reporting requirement. Fleet reserves the right, in its reasonable discretion, to deny coverage under SRAP for an Accident that is not reported to Fleet within 30 days, or if an agency does not provide all necessary information to, or cooperate with, Fleet or the ACA in administration of the matter. Fleet will notify the agency and OAG of a denial, and at that time the agency will be responsible for administering all claims.

8 STATE ACCIDENT REVIEW BOARD

The State Accident Review Board (“Board”) serves as part of a large-scale, enterprise-wide, risk management initiative to reduce the impact of accidents through the implementation of industry-standard policies and procedures as well as the development of best practice guidelines. Fleet Coordinators are required to report accidents that meet the criteria to the Board for review. Please refer to the Board policy for up-to-date submission requirements on the OGS website. Failure to report accidents that meet Board criteria may result in lack of coverage.

9 CLAIMS ADMINISTRATION

OGS contracts with a qualified ACA who is responsible for investigating and processing SRAP claims. The claims process shall include subrogation of loss transfer as well as first-party property damage for State agencies with the exception of the NYS Department of Transportation and the NYS Police. These agencies handle first-party claims internally.