

LIMITING RENTAL CAR LIABILITY

Before you rent a car authorized under Government TDY orders, read this! To protect your pocketbook, the Surface Deployment and Distribution Command (SDDC) has contracted with rental car agencies so that in most situations should an accident occur, the car rental company, and not you, foots the bill. The military also has a special arrangement with VISA to help protect you from liability. But to fully take advantage of the MTMC arrangements and VISA's protections, you need to take several steps before renting a car.

How do I Protect Myself?

If you fail to follow the proper procedures, the car rental company could charge you for damages resulting from an accident. **First**, make your reservation through your Commercial Travel Office (CTO). The CTO will ensure that the rental agency chosen participates in the MTMC agreement. **Second**, when you pick up your car at the rental agency, present either your Government Travel Credit Card, if you have one, or a copy of your official travel orders. This will let the rental company know your official status. **Third**, provide the rental company with a valid unit designation and address. **Fourth**, decline the collision damage waiver (CDW) coverage offered by the rental company to activate VISA's coverage. If you fail to decline the CDW coverage, VISA's protections will not apply. In addition, VISA's protections apply when a traveler rents the car for 31 days or less. Rentals of over 31 days do not qualify. **Fifth**, rent an authorized vehicle, which includes cars and most minivans but not trucks or motorcycles.

What About Additional Drivers:

Any additional licensed Government employee acting within the scope of their employment, are authorized to drive the rental vehicle. MTMC agreement does not require that additional drivers who are properly licensed and in the scope of official duties be listed on the rental contract. VISA, however, does require that additional drivers be listed. Therefore, to ensure maximum protection and convenience, additional drivers should be listed on any rental contract.

What Should I do if I am in an Accident?

If an incident does occur in which damage is caused to the rental car or other property, or in which personal injury occurs, the renter should immediately take the following steps. **First**, notify the rental agency of the accident. **Second**, if possible, obtain a police report. **Third**, call the VISA program administrator, as soon as possible, but no later than 20 days from the date of the accident, at 1-800-VISA-911.

Am I Protected against Liability?

When the government traveler is acting within his or her scope of employment, the rental company, through the MTMC agreement, will cover damages to the rental car, other

property, and personal injury or death to third parties up to a certain dollar amount. VISA's coverage applies only to the rental vehicle. Therefore you should take appropriate steps to notify both VISA and the rental company of any accident.

Unless prohibited by state law, the rental company is not liable for the loss under certain situations. Examples of these exclusions include obtaining the vehicle through fraud or misrepresentation; operating the vehicle under the influence of intoxicants or for any illegal purposes; using the vehicle to carry people or property for hire; operating the vehicle in live artillery fire exercises or tactical training maneuvers; operation of vehicle off paved, state or professionally maintained roads or driveways; and theft of a vehicle if the renter can not produce the keys or show the keys were stolen through theft or robbery.

Under the MTMC, rental agencies are prohibited from placing any debt for accidents on your personal credit card. If, however, such charges do show up on your credit card, or if you are contacted personally regarding an accident, notify the Fort Sam Houston Claims Office. If you have any questions regarding information contained in this article please contact the Claims Office, 221-1973 located in Building 153, or the Legal Assistance Office, 221-2282 located in Building 134.

Information contained in this paper is general in nature and does not constitute legal advice. If you have any questions regarding a specific situation please contact the Fort Sam Houston Claims Office in Building 153 or at 221-1973.