Louisiana Department of Public Safety

Office of Motor Vehicles

2-15.00 Accidents

Revised Date – 09/17/2026

Purpose

This policy discusses safety responsibility-accidents, accident releases (Safety Responsibility Law), installment agreement/promissory notes/garnishments, security, accident petitions, accident judgements, reciprocity, insurance inquiries for affidavits, removing accidents from the Official Driving Record, and acceptable compliance for individuals not involved in accidents.

Definitions

- **Insurance Inquiry** - A written request for liability insurance coverage or security information on a particular vehicle/person. The request must indicate under which statute the request is being made and must meet those requirements indicated for that statute.

Safety Responsibility – Accidents

Authority:
R.S. 32:871
R.S. 32:861
To view Louisiana Statutes: http://www.legis.state.la.us/

General:

- The owner/operator of an insured vehicle which is involved in an accident may file a Safety Responsibility Claim Form (**DPSMV 3011**) with the Department against a driver/owner who was uninsured and at fault in the accident.
- **Ownership -** The owner at the time of the accident will be held responsible. If the vehicle is co-owned, both owners are responsible.

Requirements:

- Claims must be filed within one year and one day of the accident.
- There is no minimum amount that can be claimed for property damage for accidents with a date of 08/01/12 and after; the maximum amount is $25,000.
- There is no minimum amount that can be claimed for medical for accidents with a date of 08/01/12 and after; the maximum amount is $15,000 per person/not to exceed $30,000 per accident.
- There is no minimum amount that can be claimed for a state owned vehicle or property for accidents with a date of 08/01/12 and after.
- **Compliance**
    - Proof of insurance covering the date of the accident.

- A court judgment dismissing liability or a written release from liability.
- A petition for bankruptcy, along with a schedule of debt. The schedule of debt must include all possible debts arising from the motor vehicle accident in question.
- A recall of the suspension as the result of an administrative hearing.
- Deposit of Security in the amount of the claim filed by adverse parties, subject to the limits of the Safety Responsibility Law.
- A statement indicating that more than one year has passed from date of the accident and no suit has been filed.
- A police report which clearly indicates that the driver was not at fault in the accident.
- An acceptable installment agreement.

- **Note:** Effective 08/01/2018, a personal injury protection card issued from an insurer in another state or jurisdiction without a bodily injury endorsement shall not be sufficient proof of liability security.
- **Exceptions to Security Requirements -** A safety responsibility claim form cannot be process against the following:
  - Drivers operating a publicly owned vehicle such as vehicles owned by the US Government, the State of Louisiana, a political subdivision or municipality of this state, or a public volunteer fire department.
  - Driver/owners of an uninsured vehicle involved in a collision with an insured vehicle when the operator of the insured vehicle is guilty of, or pleads guilty to a charge of drunk driving, negligent injury, or negligent homicide.
  - Legally parked cars.
  - Vehicles operated without the owner's permission, expressed or implied. If a vehicle is used without permission, a signed statement by the owner(s) and driver must be filed with the Department to place the owner in compliance.
  - Lease-bound mobile rig haulers.
- **Claims Process -** To be accepted, a claim form must show:
  - Location of accident (city and/or parish)
  - Date of accident
  - Driver's license number of owner and/or driver. If not submitted, the name and address should be listed so that a name inquiry can be done.
  - Plate and/or VIN number
  - Accident date must be prior to prescription (one year and one day from date of accident).
- **Exceptions in Claims Processing**
  - An uninsured owner cannot make a claim against the driver of his vehicle.
  - Under the No Pay/No Play Law, a claim shall not be processed if the driver and/or owner who filed the claim was not insured, unless one of the following situations occur:
    - The other party who was at fault is convicted of a DWI at the time of the accident

        - The other party is convicted of fleeing the scene of the accident
        - The other party was in the act of committing a felony
        - The other party is convicted of intentionally causing the accident.
        - If the amount of property damage and/or medical expenses is contested by the party receiving the official notice, the claimant will be required to submit proof of the amount of damages (garage estimate, doctor/hospital bills, etc.). If the claimant does not respond within 15 calendar days or states that medical treatment will be ongoing, an administrative hearing will be granted. If the claimant responds and the substantiated amount is less than originally stipulated, a new order of security will be issued.
- If the amount of property damage and/or medical expenses is contested by the party receiving the official notice, the claimant will be required to submit proof of the amount of damages (garage estimate, doctor/hospital bills, etc.). If the claimant does not respond within 15 calendar days or states that the medical treatment will be ongoing, an administrative hearing will be granted. If the claimant responds and the substantiated amount is less than originally stipulated, a new order of security will be issued.

Fees:

- $25 - 1st occurrence
- $100 - 2nd occurrence
- $200 - 3rd occurrence
- **Note**: An occurrence is determined by the number of accidents within a five-year period. Multiple suspensions for the same accident are considered a single occurrence. The same fee is imposed regardless of the number of times the case is re-suspended.

Accident Releases (Safety Responsibility Law)

Authority:
R.S. 32:873(6)
R.S. 32:874 A(3)
To view Louisiana Statutes: http://www.legis.state.la.us/

General:

- A release is a document drawn up between the individual(s) making the claim and the individual(s) against whom the claim was made for property damage and/or personal injury as the result of an accident. If acceptable, the document releases the individual of all claims (property damage and medical expenses) arising from the accident. A release is acceptable compliance **only** for the individual named on the document as being released.

Requirements:

- Name of person being released.
- Date release was signed.
- Signature of an authorized representative or dated signature of the registered owner (not the driver) of the vehicle.

- Release must be either witnessed by two persons over twenty-one years of age or notarized.
- Release Form DPSMV3022

Fees

- If the release is received within 30 days from the date of the notice, no fee is required.

Installment Agreement/Promissory Note/Garnishment

Authority:
R.S. 32:873(6)
R.S. 32:874 A(3)
To view Louisiana Statutes: http://www.legis.state.la.us/

General:

- An installment agreement/promissory note is a written agreement whereby an individual has agreed to make monthly installment payments until all damages, property and/or medical have been paid in full.
- A motion of garnishment is a court ordered document whereby a specified sum is automatically deducted from wages to satisfy a creditor, or in the case of accidents, to satisfy property and/or medical damages resulting from the accident.

Requirements:

- Completion of the Installment Agreement Form DPSMV3023 to include:
  - Total amount owed, and terms of agreement.
  - Agreement portion must be signed *and dated by the person agreeing to pay.
  - Acceptance portion must be signed *and dated by the person who is receiving the money
  - Promissory note must include the amount and terms of the agreement, and must be signed by the party making the payments. A letter indicating acceptance must accompany the agreement.
  - Signature of two witnesses in the agreement portion and in the acceptance portion, or notarized.

Methods of Compliance for an Installment:

- Prior to prescription (**one** of the following):
  - A letter stating that the individual has resumed making payments
  - A full release
- After prescription (**one** of the following):
  - A statement that no suits or judgments have been filed in the accident case
  - A letter stating that the individual has resumed making payments
  - A full release

Fees:

- If the installment agreement is received within 30 days from the date of the notice, no fee is required.

Security

Authority:
R.S. 32:872 - 877
R.S. 32:903
R.S. 32:904
To view Louisiana Statutes: http://www.legis.state.la.us/

General:

- The Safety Responsibility Law allows the filing of negotiable security of surety bonds in lieu of evidence of insurance for vehicle(s) that have been involved in a motor vehicle accident within this state, which has resulted in bodily injury or death, or damage to property of any one person. Security must be posted in an amount equal to damages indicated on the Order of Security.
- **Negotiable Securities**
    - Money orders, cashier's checks, or certified checks can be deposited with the Department to be used as payment of settlement agreement resulting from the accident.
    - The person depositing security must specify in writing the person(s) on whose behalf the deposit is made. At any time while the deposit is in the custody of the Department, the depositor may in writing amend his/her written request to include an additional person(s); provided, the security deposit shall be applicable only on behalf of person(s) involved in the same accident.
- **Surety Bond**
    - A surety bond is a bond guaranteeing the payment of a debt. The bond is issued by a bonding agency duly authorized to transact business within this state. The insurance company becomes legally liable for the debt or any default arising as a result of an accident.
    - The surety bond does not have to be on forms prepared by the Department; however, it must carry the necessary information to indicate that it is a financial bond deposited in reference to the accident in question giving date and location of the accident as identification. The surety bond must be accompanied by a numbered power of attorney giving the agent or representative such authority to post the bond.
    - Surety bonds can only be applicable to the payment of a judgment or judgments rendered against the person(s) on whose behalf the deposit was made for damages resulting from the accident.
- **Cash security may be disbursed or the surety bond may be cancelled only under certain conditions. The following documentation must be filed and accepted by the Department to meet those conditions.**
    - A written request from person(s) who deposited security or filed a surety bond, requesting disbursement of security or cancellation of surety bond along with one of the following:
        - A full release from liability
        - A final adjudication (judicial decision/statement) of non-liability

        - An acceptable installment agreement or promissory note
        - A statement from person(s) where security has been deposited or a surety bond filed in their behalf stating that one year and one day has expired from the date of said accident and there are no suits pending and no judgment rendered against them for damages resulting from the accident in question.
        - A settlement agreement - a notarized letter of authorization from the depositor giving the Department authority to release the funds. The department will not require the depositor to obtain a release(s) prior to the disbursements of the funds to the other person(s).
        - Proof of Insurance in effect on the date, such as insurance information on RU01, or a letter from insurance company on letterhead stationary giving insurance information
    - A certified copy of a final judgment along with a certificate from the clerk of court that the judgment is final and no appeals have been taken.
- **Note:** Effective 08/01/2018, if the motor vehicle was registered elsewhere than in this state at effective date of the policy, or the most recent renewal, the policy shall not be effective under section 32:872D(1) unless the insurance company issuing the policy, if not authorized to do business in this state, executes a power of attorney authorizing the commission to accept service on its behalf of notice of process in any action upon the policy arising out of the accident. The liability coverage should be no less than 15/30/25. In addition, a personal injury protection card issued from an insurer in another state or jurisdiction without a bodily injury endorsement shall not be sufficient proof of liability security.

Accident Petitions

Authority:
R.S. 32:871
To view Louisiana Statutes: http://www.legis.state.la.us/

General:

- An accident petition is a suit filed in court which halts prescription of the accident. This type of petition is processed as the result of a vehicular accident.

Requirements:

- The petition must contain the following in order to be accepted by the Department:
    - Name of court
    - Date of court filing
    - Docket number

Methods of Compliance (**one** of the following):

- Proof of insurance covering the date of the accident
- An acceptable installment agreement/promissory note
- Full accident release
- Evidence from the court that the petition has been dismissed

- Evidence from the court that 3 years has elapsed from the date of the last filing and that the suit has been dismissed on grounds of abandonment

Accident Judgements

Authority:
R.S. 32:871 et seq
To view Louisiana Statutes: http://www.legis.state.la.us/

General:

- An accident judgment is the final action resulting from a suit filed in a court of law. A judgment may be rendered in any court of law, including judicial court, municipal court, district court and the justice of the peace court, and will be processed by this Department provided all requirements for acceptability are met.
- The NO PAY/NO PLAY PROVISION (Act 1476 of the 1997 Legislative Session), effective September 20, 1998, **does not apply** when processing accident judgments. Because judgments are court ordered documents, the court has likely taken the no pay/no play provision into consideration.

Requirements:

- Certified copy of the judgment. If the judgement is not certified, it must be signed by a representative of the court.
- Clerk's certificate stating the judgment is final and no suspense appeal has been taken.
- If the claim amount is over, $25,000, a breakdown of the property and medical damages must be included.

Methods of Compliance:

- Proof of insurance covering the date of accident; or
- Acceptable installment agreement (DPSMV3023); or
- Final court Judgment or release indicating owner/driver is free from liability arising from the accident; or
- Evidence from the court that more than 10 years has lapsed and the Judgment has not been re-inscribed; or
- A petition for bankruptcy, along with a schedule of debt. The schedule of debt must include all possible debts arising from the motor vehicle accident in question.
- **SR-22 Requirements:**
    - Proof of Financial Responsibility (SR-22) is required when an installment agreement is filed and until three years after the date of release from the judgment.
    - SR-22 is not required if the judgment was paid off within 60 days of the judgment date.
    - Due to the provisions of the Bankruptcy Act, when bankruptcy papers are submitted and accepted as compliance for the judgment debtor, SR22 is not required, however, the reinstatement fee will still be required.

- Official notices issued **prior** to July 1, 1992 are not required to carry SR-22 for 3 years from the date of judgment rendered.

Reciprocity

- Louisiana Revised Statutes do not give this agency authority to accept or enter into any reciprocity agreement to process financial responsibility suspensions following accidents that occurred outside the State of Louisiana.
- A Louisiana resident involved in an accident outside of Louisiana must comply with the State's laws or have their privileges to drive in that State suspended. This suspension cannot be entered on the Louisiana records and will not affect their operating status here in Louisiana.

Insurance Inquiries – Affidavits

Authority:
R. S. 22:1295(6)
R. S. 32:871
R. S. 32:863.2
To view Louisiana Statutes: http://www.legis.state.la.us/

General:

- **R.S. 22:1295(6) – Uninsured Motorist**
  - After thirty (30) days from the date of the inquiry, an affidavit will be sent to the requestor as to the response, or lack thereof, received from the owner and/or operator.
- **R.S. 32:871 – Liability Insurance Following an Accident**
  - After 15 days from the date of the inquiry, an affidavit will be sent to the requestor as to the response, or lack thereof, received from the owner and/or operator.
- **R.S.32:863.2 – Office of Motor Vehicles (OMV) Liability Insurance Database**

Requirements:

- **R.S. 22:1295(6) and R.S. 32:871**
  - A written request (must specify statute)
  - A copy of the Crash Report (must have occurred in Louisiana) or SR10 claim form
  - For a hit and run accident, submit the Supplemental Police Report or the attorney may submit the identity of the person in the written request
- **R.S.32:863.2**
  - A written request, which must specify statute R. S. 32:863.2, vehicle and the time frame

Fees:

- **R.S. 22:1295(6) and R.S. 32:871**
  - A $15.00 fee is required for liability insurance information requested on each:
    - Driver involved in the accident
    - Owner of the vehicle involved in the accident
    - Any other vehicle that was owned by either driver or owner
  - If the requestor indicates multiple addresses, there is a $15.00 fee per address per inquiry (person/vehicle).
    - No fees are required for state or local government agencies requesting information for official use.

- **R.S.32:863.2**
    - A $15.00 fee is required for liability insurance information requested on each vehicle. If the OMV Liability Insurance Database lists multiple liability insurance policies during the time frame requested, there it is a $15.00 fee per listing.
        - No fees are required for state or local government agencies requesting information for official use.

Removing Accidents from Official Driving Record

Authority:
R.S.32:853(C)
To view Louisiana Statues: http://www.legis.state.la.us/

Eligibility:

- Accidents are not added to a driving record when there is no personal injury or fatality to any person involved in the accident to include driver(s), passenger(s), pedestrian(s); **AND** damage to any one vehicle or other property does not exceed $500.00.

Requirements:

- Submit copy of police report or, in the event an Investigating Officer's Report was not filed with a law enforcement agency, a statement stipulating that no report was made; **AND**
- **Property Damage:** Submit signed statement(s) from all owners of motor vehicles involved in the accident certifying that property damage did not exceed $500.00. In lieu of a signed statement, Safety Responsibility Claim Forms from all owners showing that property damage did not exceed $500.00 can be submitted. If property damage other than vehicles, a signed statement from the property owner(s) certifying the damage did not exceed $500.00 is acceptable
- **Personal Injury:** Submit signed statement(s) from any and all parties involved in the accident stipulating that no injuries were incurred.
- **Note**: In the case of a minor, the signed statement must be provided by the parent(s) or legal guardian.

Acceptable Compliance for Individuals Not Involved in Accidents

General:

- On occasion, this Department receives notification from an individual that an accident case has been added to his/her driving record in error. The claim is that he/she had no involvement in a specific accident.
- In many instances, review of the case file reveals that an incorrect driver's license number was added. These types of errors are easily corrected.
- However, in some instances, no police report was written. The case was added from information received from the other party or parties involved as provided through the Safety Responsibility Claim Form. The question then arises as to what recourse the individual has in order to have the case removed from his driving record when no police report was written. This person has three options as outlined below:

- The complaining party may obtain a notarized affidavit from the reporting party that the Safety Responsibility Claim submitted was sent in error by naming an uninvolved individual, OR
- The complaining party may request an administrative hearing where all parties could appear and have the facts of involvement sorted out, OR
- The complaining party could get a court order for the Office of Motor Vehicles to remove the accident from the driving record.