



TORII CLAIMS ASSISTANCE

OFFICE OF THE STAFF JUDGE ADVOCATE



Motor Vehicle Accidents Involving a U.S. Army Vehicle and Private Property

On Okinawa, we see traffic accidents on a daily basis. If you are involved in one with your personal vehicle, you should contact your automobile insurance company. If you are involved in a traffic accident with a U.S. Army vehicle, you and your supervisor must complete Standard Form (SF) 91 (Motor Vehicle Accident Report) and submit it to the motor transportation officer for your unit. **If there is damage to private property or if the U.S. Army vehicle was damaged by a private party, a completed copy of the SF 91 must be submitted to the Army Claims Office on Torii Station.** The Army Claims Office is located on Torii Station, Building 218, Room 222 (Please call 644-4742).

Over the past year, the Army Claims Office has experienced some difficulty getting this Motor Vehicle Accident Report (SF 91) from several Army units on Japan. Rather than single out any unit, please be advised on how important it is for the unit or motor transportation officer to give a **completed copy** of the SF 91 to the Army Claims Office as soon as possible after an accident.¹

The Army Claims Office must identify and interview witnesses to the accident. A claim may be filed against the U.S. Army (tort claim) and it is important to get the facts while all the information is fresh and before parties or witnesses leave Okinawa or the U.S. Army. Also, if the claim involves a local national, the Okinawa Defense Bureau gets involved. The longer it takes to receive the SF 91 and process the claim, the more Army resources are spent in getting supervisors and commanders involved. Delays create bad relations with our host nation as we need to timely process claims under the Status of Forces Agreement (SOFA).

Another important reason to timely complete and submit the SF 91 if the U.S. Army may have a claim (affirmative claim) against the other driver or owner. In Japan, fault in an accident is based on comparative negligence. It is very unusual in Japan to find one party 100 percent at fault in a traffic accident, unless one of the vehicles is stopped or parked. Even when a car is parked, if it is illegally parked, there may be some fault assessed to the owner of the parked car. When the government is not 100 percent at fault, the Army can collect a percentage of the damage based on comparative fault. If the Army was 40 percent at fault, it has a potential affirmative claim against the other party for 60 percent of the damage to the U.S. Army vehicle.

As mentioned above, both the operator of the vehicle and the operator's supervisor complete the SF 91. The vehicle operator completes Sections I thru IX. Section X, items 72 thru 82c are filled out by the operator's supervisor, and Sections XI thru XIII are filled out by an accident investigator (for bodily injury, fatality, and/or damage exceeding \$500.00).

For more information on completing an SF 91, or for information on filing a claim, visit or call the Army Claims Office.

Please visit the garrison web page for more information about claims and legal assistance:
<http://www.usagj.jp.pac.army.mil/organization/usago/installation/legal.aspx>.

¹ If the accident involves only U.S. Army vehicles, there is no need to give a copy of the SF 91 to the Claims Office