**Section 3100.300 Standards to be Used by Claims Adjustors**

a) For the purposes of this Part, an employee shall be "at fault" when:

1) the accident is caused by the failure of the employee to operate the motor vehicle with the degree of care that would normally be exercised by an ordinary reasonable person; and

2) the failure of the employee to exercise due care is more than 50% responsible for the resulting accident.

b) In determining an employee to be at fault, the claims adjustor shall consider:

1) any mitigating factors present, such as an employee's being required to drive under adverse weather conditions or on congested roadways;

2) special requirements of the employee's assignment or standing departmental orders or policies, including the needs of law enforcement, public safety and emergency personnel.

c) The determination of "at fault" made by the claims adjustor is a determination of insurability and shall not under any circumstances be interpreted as an admission of liability. All findings shall be treated as confidential information. The records shall not be available for non-official inspection and use or subject to release under a Freedom of Information Act [5 ILCS 140] request without the prior permission of the affected employee.

(Source: Amended at 37 Ill. Reg. 7742, effective May 23, 2013)