

# What to do if you are in an Auto Accident

## **Introduction**

Auto accidents can happen to anyone. You can protect your legal rights by doing the right thing after an accident occurs. This pamphlet summarizes some of the steps you should take if you are involved in an accident. The pamphlet also contains an Accident Information Form that you can keep in your car to record information if you are involved in an accident. Consult your lawyer right away if you are involved in an accident that involves personal injuries or serious property damage.

## **Stopping Your Car**

If your car is involved in an accident and you don't stop, you may be subject to criminal prosecution. Leave your car as close as possible to the place of impact without obstructing traffic. After stopping, remain at the scene of the accident to aid the injured, protect the scene, report to the police and gather information.

## **Aiding the injured**

If someone is injured, give first aid if you are qualified and call for an ambulance. Remember to note the location of the accident before you call for an ambulance. Tell the ambulance dispatcher the name and number of the street as well as the direction in which the cars were traveling at the time of the accident.

## **Protecting The Scene**

Protect the scene of the accident to avoid additional collisions. Do not allow your car to obstruct the road if it can be moved. Warn approaching cars by raising the hood of your car and using your car's hazard warning lights. In addition, for nighttime accidents, place flares or reflectors on the road.

## **Calling The Police**

Call the police, particularly if someone has been injured. A police report of the accident will help your insurance claim and any liability claims. Ask the officer how to get a copy of the accident report and note the officer's name and badge number. If you receive a traffic ticket, it does not mean you are guilty of a traffic offense or that you are responsible for the accident. Be aware that you may hurt your claim for damages from the other driver if you plead guilty. Consult your lawyer and insurance agent before pleading guilty to any traffic offense.

## **Exchanging Information with the Other Driver**

Exchange information with the driver of the other car.

You should get the following information:

1. Other drivers—name, address, phone number, driver's license number, name of insurance company and policy number.
2. Passengers—name, address, and phone number.
3. Witnesses—name, address and phone number.
4. Owner (if not the driver)—name, address, phone number, insurance company and policy number.

Make notes about the time of day, weather conditions, road conditions, street lights, and length of skid marks. Also make a diagram of the accident noting the location of the vehicles, crosswalks, stop signs and traffic signals. If you hit a parked car and can't find the owner, leave a note with your name, address, and a summary of the accident.

## **Do Not Admit Responsibility**

When you exchange information with the other driver and give facts to the police, don't admit responsibility for the accident. Things that you say can be used against you if there is litigation. You may think that you were responsible for the accident and later learn that the other driver caused it or that the other driver was equally at fault.

## **Towing Your Car**

Before you allow a tow truck driver to pick up your car, be sure to ask the driver how much it will cost and tell the driver where to take your car. Get the name, address and telephone number of the driver and the towing company.

## **Filing An Accident Report**

In most states, you must file an accident report with the state department of public safety or department of motor vehicles. The report must be filed within a few days of the accident if there were personal injuries or if the damage to property exceeded a minimum amount, say \$50. Failure to file an accident report may result

in a fine and loss of your driver's license. You should be able to get an accident report form from your local police or your insurance agent. Keep a copy of the report for your records.

### **Seeing your Doctor**

Both you and your passengers should consider seeing a doctor after an accident. The doctor may recognize injuries, sometimes serious, that are not apparent to you. The charges for a doctor visit and medical treatment may be covered by your insurance. Don't settle claims from the accident until your doctor has advised you about the extent of your injuries.

### **Notifying Your Insurance Agent**

Call your insurance agent as soon as possible after an accident. Your insurance company may have grounds to deny coverage if you fail to give prompt notice of the accident. Follow up the phone call with a written notice and save a copy for your files. The written notice should contain information about the date, time and place of the accident, with names and addresses of the other drivers, injured persons, passengers, and witnesses. If you were at fault, your liability insurance should pay for any injuries or property damages. If the other driver is at fault but does not have insurance, your insurance may pay for damages to your car (collision coverage), your medical expenses (medical payment coverage) and even for your pain and suffering (if you have uninsured motorist coverage).

### **No-Fault Insurance**

Some states have adopted "no-fault" insurance laws. If you live in a no-fault state, your insurance policy will cover your losses from a minor accident regardless of whether you caused it. The losses covered by no-fault insurance usually include medical expenses and lost earnings. No-fault insurance does not protect you for major accidents since the amount of coverage is limited to a few thousand dollars in most states with no-fault insurance laws.

### **Calling Your Lawyer**

If you have been involved in an accident, or if you have received a traffic ticket, your lawyer can advise you about your rights and responsibilities. The sooner you call your lawyer the better since witnesses may forget the details of the accident. Your lawyer can counsel you on how to respond to questions from insurance adjusters and help you recover compensation for your personal injuries and damages to your car.

### **Accident Information Form**

1. **The Other Driver and Vehicle:**

Name, address, phone

Driver's License no.

Insurance company, policy no.

Vehicle license plate no.

Vehicle make, model and year

2. **Name, Address, and Phone No. of Passengers in Other Vehicle:**

3. **Name, Address, and Phone No. of Witnesses:**

4. **Other Information:**

Date and time of accident

Location of accident

Road conditions

Traffic conditions

Weather conditions

Were your or other vehicle's headlights on?

Were you or other driver signaling a turn?

Length of your vehicle's skid marks

Name, badge no. of police officer

### **5 Diagram of Accident:**

Use the space below to diagram the path of the vehicles before the accident and their position after the accident. Use a solid line to show the path of the vehicles. Show any stop signs, traffic signals, or street lights.

This pamphlet provides general information. Laws develop over time and differ from state to state. This pamphlet does not provide legal advice about specific legal problems. Let us advise you about your particular situation.

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