

What to Do After an Auto Accident

Courtesy of Singleton & Singleton, Griffin, GA

Even the best drivers are subject to automobile accidents. Therefore, everyone should know what steps to take immediately following an accident to protect the life, limb, property and legal rights of those involved. Doing the right thing, in the right way, at the right time may save a life, and it will often avoid legal problems. Here are the steps to take if you are involved in an accident with another vehicle or pedestrian.

1. Stop Your Car

Never leave the scene of an accident in which you or your car are involved. No matter how slight the collision, if you fail to stop you may subject yourself to criminal prosecution even though the accident was not your fault. Stop your car as soon as possible without further endangering any person or property and without obstructing traffic. Do whatever is necessary to warn oncoming traffic, in order to prevent further accidents. If possible, station someone in a position to warn approaching vehicles. At night, use flares or reflectors or your flashlight.

2. Assist the Injured

If possible, have someone call an ambulance or doctor at once. A telephone operator can locate help for you. Remember that in getting aid it is necessary to fix your location accurately so that help will reach you without delay. Therefore, it is necessary that the person seeking help know the name and number of the road on which the accident happened, the location of the cars along the road and the direction in which they were traveling. Render first aid only if you are qualified. You normally should not move the injured person. Keep him or her warm by covering him or her with blankets or coats. If there is any bleeding, stop it by applying pressure or a tourniquet. Do not give an unconscious person anything by mouth.

3. Call the Police

Police officers are trained to handle any situation that may arise after an accident. If you are involved in an accident, even though not physically injured, you may suffer from shock and excitement which makes it difficult for you to think clearly at the time.

If the accident occurs within a city or town, call the city police. If it occurs on an open highway, call the nearest office of the Georgia State Patrol or the sheriff's office. When the police officer arrives, tell him or her briefly the basic facts (see Number 7). The report may help you if a liability claim is made.

4. Identify the Driver

Obtain the other driver's name, address and registration number of the vehicle that he or

she is driving. Also ask to see his or her driver's license. If possible, obtain the name of the insurance companies and the policy numbers covering the other car(s) in the accident.

5. Witnesses

Obtain names and addresses of all passengers in all cars involved in the accident. Obtain names and addresses of all eyewitnesses. Attempt to obtain from these witnesses a statement as to what happened and have them, if they will, write it down at the scene. Always have a pencil and pad of paper, as well as this pamphlet, in the glove compartment of your car.

6. Take Notes -- Fill Out Accident Form and Diagram

Make your own written notes on all significant circumstances concerning the accident. Show the position of the cars after the accident. Step off exact distances of skid marks and other important distances. Later, it is important for you to be able to point out where on the road the vehicles collided and where they came to a stop. If you or someone else has a camera at the scene, take pictures to preserve skid marks, the position of cars and other physical evidence that will disappear after the accident. Fill out the Accident Information Form and Diagram in this folder so far as it is appropriate to the type of accident in which you are involved and the particular circumstances.

7. Comments

Do not comment on the accident. Keep your notes and information strictly to yourself. Admit nothing and sign nothing even if you think you are wrong. You may learn later that you were not in the wrong or that the other driver was equally responsible. Your emotions at the time of the accident may deceive you. If at a later date facts clearly show that you alone were wrong, that is the time to admit the blame.

8. Arrest

An arrest at the scene does not necessarily indicate civil liability. An arrest in connection with an automobile accident cannot ordinarily be used later in a suit for damages. Any statement may be used as an admission, so it is important that you contact your lawyer before making a statement.

9. When to Leave the Scene

Unless your injuries require otherwise, do not leave the scene of the accident until you have assisted the injured, protected the scene, called the police and assisted them, identified the other driver(s), obtained the names, addresses and statements of all witnesses, made notes and filled out the Accident Information Form and Diagram in this folder.

10. See a Doctor

Remember that serious and costly injuries are not always immediately evident. See your doctor immediately and ask your passengers to do likewise.

11. Reports

Georgia law no longer requires a person involved in an accident to make a written report to the Georgia Department of Public Safety. You should immediately call your insurance representative and send written notice as soon as possible. The notice should contain sufficient information concerning the time, place and circumstances of the accident, as well as the names of any persons who were injured or witnessed the accident. Failure to notify your insurance company in writing within a reasonable time may constitute grounds for the insurance company to avoid all coverage for your accident. It is therefore essential that you report the accident immediately.

12. Claims Made Against You

Refer all persons making claims against you to your insurance company. Make no payments or promises to pay any claimant. Any such payments are made at your own risk. Forward all papers served on you to your insurer immediately. If the coverage you have purchased is inadequate to cover the claims made against you, consult your personal attorney at once.

13. Claims Made by You

Your liability insurance policy may also include provisions for payments to you and your passengers for medical expenses, which will apply regardless of fault. If you make a claim for property damage or personal injuries arising out of the accident, be sure before you settle that any offer made to you is fair and reasonable. Your attorney is best equipped to advise you as to your rights and the fairness of the settlement offer.

Personal Injury

If another motorist is at fault in an accident, you may sue him or her for personal injuries, which are generally measured by your medical expenses and lost wages caused by the accident and an amount which may be determined by the jury for pain and suffering under specialized circumstances other types of damages may be recoverable.

Property Damage

Claims for vehicle damage are covered by your own collision or comprehensive policy, if you have one. If another motorist is at fault in an accident, you may sue him or her for property damage to your car regardless of whether you can sue him or her for your bodily injury.

Accident Information Form

Fill out this form at the scene of the accident.

The Other Driver and His or Her Car

Name of other driver _____

Street address _____

City _____ State _____

Vehicle registration (car license) number _____

Make and type of car _____ Year _____

Driver's license number _____

Has he or she apparently been drinking? _____

Any verbal statement made by other driver as to cause of accident _____

Names and Addresses of Passengers in Other Car

Name _____

Address _____

Name _____

Address _____

Names and Addresses of All Possible Witnesses to Any Fact

Name _____

Address _____

Name _____

Address _____

Name _____

Address _____

Special Conditions to Note Immediately Following Accident

Position of your car after accident _____

Position of other car after accident _____

Location of any tire marks, blood, broken glass, dirt, etc., on road or side of road _____

Location of point of impact in relation to center of road or some physical object _____

Did your car skid? If so, how many feet? _____

Did the other car skid? If so, how many feet? _____

Road conditions _____

Traffic conditions _____

Weather conditions _____

Traffic controls (traffic lights, stop signs, etc.) _____

Place of impact on other car _____

Name and address of any wrecker that removes other cars _____

Other conditions that might have bearing on accident _____

The following may be filled out either at the scene or shortly after leaving the scene

Date of accident _____

Time _____

Location of accident _____

Type of road (grade, curve, etc.) _____

Speed of your car just before accident _____

Speed of other car just before accident _____

Direction of your car _____

Direction of other car _____

Were you or other driver turning? _____

Did other driver signal properly (with arm, horn, lights, etc.)? _____

If at night, were his or her lights on? _____

How far were you from the other car when you first saw it? _____

Investigating police officer: _____

Other pertinent facts: _____

This pamphlet was prepared as a public service of the State Bar of Georgia. Its purpose is to inform, not to advise on any specific legal problem. If you have questions regarding any matter contained in this pamphlet, you are encouraged to consult an attorney.