

## **WHAT TO DO IN CASE OF AN ACCIDENT**

### **AUTO ACCIDENTS**

Even the BEST drivers are subject to automobile accidents. Therefore, we should all 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; it will always minimize, and often avoid, legal problems. Here are the steps you should take if you are involved in an accident with another vehicle or a pedestrian:

#### **STOP YOUR CAR**

Never leave the scene of an accident in which you or your car was 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 position to warn approaching vehicles. At night, use flares or reflectors or your flashlight, if available.

#### **GIVE AID TO THE INJURED**

If any person has been hurt, call a doctor or an ambulance, or both. Until help comes, do all you can to help the injured, but be careful. Unless you are proficient at rendering first aid, don't try it. You may make matters worse instead of better. For example, moving an injured person may aggravate the injury.

#### **CALL THE POLICE**

Policemen are trained to handle any situation that may result from or arise after an accident. If you are involved in an accident, even though you are not physically injured, you may suffer from shock and excitement that makes it difficult for you to think clearly at the time. Let the policeman take over when he arrives. He will handle any emergency and investigate the accident. His report of investigation may be helpful to you later if you are sued, or if you decide to sue someone else.

If the accident occurs within the limits of a city, village or town, call the municipal police. If it occurs on the open highway, call the nearest State Police Station or the County Sheriff's office.

#### **THE LAW REQUIRES INFORMATION**

The motor vehicle law of Texas requires the driver of any vehicle involved in an accident to give his name, address and the license number of the vehicle he is driving to the other party. If it is requested, the driver must exhibit his driver's license. Leaving the scene of an accident without furnishing such information may subject you to criminal prosecution.

If you collide with a vehicle that is unattended, the law requires you to locate the operator or owner of the vehicle and tell him your name and address. If you cannot locate the owner,

leave a written message stating your name and address and the circumstances of the collision in a conspicuous place or in the unattended vehicle.

The best policy is to give no more information than the law requires. Do not comment on the cause of the accident, and do not admit fault even if you think you were in the wrong. You may discover later that the other driver was equally or more to blame. In addition, immediately after an accident you will most likely be emotionally or physically upset to such an extent that you will be unable to accurately appraise the situation. There will be a time for explanations later. No one has the right to force you to give an opinion as to the cause of the accident, at police headquarters or elsewhere. You have the right to consult a lawyer before making a statement.

#### OBTAIN PROTECTIVE INFORMATION

Just as the law requires you to give certain information, you are entitled to the same information from other persons involved in the accident. Do not fail to obtain this information. In addition to the names and addresses of the persons actually involved, make an effort to obtain the names and addresses of all persons who witnessed the accident. Witnesses may be important later if legal action becomes necessary. Also, if reasonable to do so:

- Make notes of the important aspects of the collision to help you remember them.
- Diagram the exact position of the vehicles before and after the accident.
- Step off skid marks and other important distances.

Such precautions may prove invaluable in the event that legal questions develop.

#### SEE YOUR DOCTOR

If you have any doubt at all about your own condition or that of the passengers in your vehicle, see your doctor immediately for an examination and ask your passengers to do likewise; then be guided by the findings.

#### FILE ACCIDENT REPORTS

Notify your automobile insurance company immediately and cooperate with your insurance representatives in their investigation.

In addition, Texas law requires a written report of any accident in which you were involved which resulted either in the death or injury to any person and in most accidents where property damage occurred. Failure to file a report may cause you to lose your license. A report form may be obtained at any police station or sheriff's office. The place where the report should be filed appears on the form. The filing of the report should be within ten days after the accident.

#### ARRESTS

An arrest, either of you or the other party, does not necessarily indicate liability for the accident. However, a statement of guilt or a plea of guilty to a traffic ticket may be used as an admission, so it is important that you obtain legal advice if you are arrested. Receiving a ticket is an arrest.

## YOUR RIGHTS

If you are not certain of your rights, consult a lawyer of your personal choice. Your insurance company will always be represented by trained adjustors or by an attorney. You should ignore any attempt by a representative of the other party to influence you against the advice of your own attorney. Furthermore, beware of an attorney or anyone representing an attorney who approaches you with a request to handle your case. Solicitation of business is an unethical practice in the legal profession. Solicitation by non-lawyers is illegal and a violation of state law.

## DAMAGES

If you lose work, sustain injuries or have other losses, you may be entitled to reimbursement under your own policy of insurance if the conditions have been met. You may also be entitled to damages from the other party to the accident. Awarding monetary damages is the law's method of putting the wrongfully injured party, as closely as possible, into a position equal to that position before he was injured. If you are in the right you may be entitled to recover money for the following:

- Nature, extent and duration of injuries.
- Pain and suffering from injuries.
- Disability, both temporary and permanent.
- Reasonable expenses resulting from injury, including medical and hospital expenses.
- Loss of income.
- Value of damage to property.

## THE LAW REQUIRES INSURANCE

The motor vehicle law of Texas now requires that all motor vehicles intended for use on public highways be covered by liability insurance. Certain vehicles are exempt from this requirement including inoperable or stored vehicles that are not operated. You must also have within the vehicle proof of insurance. Insurance companies issue insurance cards that comply with this requirement. The law allows the Secretary of State to request verification of insurance from you. Violations of this provision will result in significant financial penalties and may result in loss of driving privileges.