

WHAT TO DO

Immediately After Being Involved in an Auto Accident

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According to the National Safety Council (NSA), one in every eight drivers will be involved in a motor vehicle accident. Being in an accident can be a shocking and scary experience. This is why it is important to know beforehand what steps to take in the event your vehicle is involved in a car wreck.

ONE: STOP YOUR VEHICLE

If it is safe to do so, stop your vehicle as quickly and safely as possible. If the situation does not allow you to stop immediately, stop as soon as conditions allow.

TWO: MOVE THE VEHICLE

Move your vehicle off the roadway as quickly as possible. If the vehicle is unable to move, try to at least make it as visible as possible to passing traffic by turning on the hazard lights.

THREE: TURN OFF THE IGNITION

Make sure all vehicles involved in the accident have turned off their ignitions. Check to make sure there are no visible gas leaks or anything else that could be potentially dangerous to be around as well.

FOUR: GET OUT AND STAY CLEAR OF THE VEHICLE

Once the vehicles are moved or

stationary with the engines turned off, move away from them. Make sure you and any other drivers or car occupants are out of the way of moving traffic. Be mindful that once your car has been involved in a collision and the airbags did not deploy, when you move the vehicle, the airbags may then deploy. This can result in serious injuries.

FIVE: FIND OUT ABOUT INJURIES

Check yourself and others to make sure you do not have injuries. If a person is seriously injured, do not move them unless they are in imminent danger.

SIX: CALL POLICE AND MEDICAL SERVICES

Call the police or law enforcement branch for the area in which you are located. If there are injuries that need immediate medical attention, call for medical services as well. You should alert the police to any vehicles that may be blocking the roadway.

SEVEN: EXCHANGE INFORMATION WITH OTHER DRIVER

Obtain the driver's name, telephone number, address and driver's license number. Obtain the name of their insurance company, the insurance policy number and the telephone

If other people stopped as witnesses to the accident, ask them to write down what they saw along with their names and telephone numbers.

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number to their insurance company. Write down the other vehicle's car make, model, year and license plate number. Also write down the name of any passengers that were in the vehicle at the time of the accident.

EIGHT: OBTAIN WITNESS STATEMENTS

If other people stopped as witnesses to the accident, ask them to write down what they saw along with their names and telephone numbers. If the witness is not able to stay until the police arrive, ask them to sign their statement and keep it with you to give to the police when they arrive at the scene.

NINE: MAKE A DIAGRAM

Take a sheet of paper and make a diagram of the scene. Sketch out where the various car occupants were seated and in which direction and lane the vehicles were traveling. Note such factors as date, time and weather conditions.

TEN: TAKE PICTURES

If you have a camera or camera phone, take pictures of the damaged vehicles. Also take pictures of the intersection of the road in which the collision occurred. Take pictures of any skid marks as well. If you received injuries, also take pictures of those as well.

Now that you have your camera or camera phone ready, what pictures should you take? First, take photographs of your car and the damage sustained. Take pictures from different angles as well. Sometimes sunlight will make a glare and make the damage unseen and if you just take photos from one angle, you might be out of luck. The general rule of thumb is to take photos from different angles and distances. The close-up shots should be taken 3-5 feet away. The next distance would be about 10 feet away. Then you can take pictures 20-40 feet away so that you get a general view of the car and the surrounding areas so it is possible to keep a common landmark in the photos.

Next take pictures of the car that hit you. If you can, take pictures of how the cars came to rest after the accident.

If you are in an accident where you are at fault, this has to be done so you have picture proof of what damage you caused to the other vehicle in case the other driver tries to later to say there is more damage than what you caused.

It is wise to take pictures of the road or intersection where the accident took place. These may be needed to

Skid marks can be measured even in the photos if they are taken correctly.

explain to the insurance adjustor how the accident occurred or even to refresh your memory about the accident. Be sure to obtain names of the streets where the accident occurred and any traffic signs. If going to court, it will be a great piece of evidence as it helps tell the story of what happened.

Don't forget to take pictures of the skid marks if there are any. Skid marks can be measured even in the photos if they are taken correctly. If the skid marks are hard to see in pictures, you can go to a photo lab and have your 4x6 photo enlarged to an 11x14. These then can help tell the story of the crash. You might also want to take a picture of the road if there were no skid marks. Lack of skid marks may show that the person was not paying attention and did not hit the brakes.

Always remember to take care when taking the photographs. Do not step into the flow of traffic or put yourself in a risky situation just to take a perfect picture. Try your best to get the best picture possible without endangering yourself in any way. Lastly, if there are any bodily injuries visible, it is very important to document those in photographs as

well. Bruises may not appear for a few days – remember at that time to take a picture.

All the types of photographs described here could become very important in the settlement of your claim. Photographs can be the best evidence you have when it becomes time for the insurance adjustor to do their job. These photos will help refresh your memory and explain what happened. Pictures tell the story of the accident--the story that you want the insurance company to understand.

ELEVEN: SPEAK WITH POLICE

Give the police or responding law enforcement agent your account of what occurred and your information. Be ready to show your driver's license and insurance information. The other driver(s) should do the same. Witnesses should speak with the police to explain what they saw and give their personal information.

TWELVE: OBTAIN POLICE INFORMATION

Write down the name and badge number of the responding police and medical emergency personnel. Also ask the officer for the accident report number. Find out if the law

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**There is a
Florida Statute
called “The
Accident Report
Privilege” which
prevents the
accident report
from being
admissible
in court.**

enforcement is the local police, Sheriff or Highway Patrol so you will know where to go to obtain a copy of the police report.

Once you have left the scene, it is then time to contact your insurance company and the other party's insurance company. In Florida, any information that you give the police officer which is contained in the accident report is not admissible in court. There is a Florida Statute called “The Accident Report Privilege” which prevents the accident report from being admissible in court. This means that, regardless of who received a ticket, that information cannot be used in a court of law to determine who caused the accident. That is why it is so important to obtain as much information at the scene of the accident as you can. For instance, witness statements can be used later and the photographs you take can also be used later to prove who caused the accident. The reason the accident report is not admissible in court is to encourage all parties involved to freely provide information to the officer without the fear that any information they provide will be used later on in a court of law. Again, even if no one received a ticket or if you received a

ticket, that does not determine who is at fault in the accident. The ticket is not admissible in a court of law to determine who is at fault. That is why it is so important to get all the information we talked about earlier.

Ideally, the other driver was at fault and they report the accident to their insurance company within a day or so. You should follow-up in two or three days by calling the other driver's claims department.

At Farah & Farah, when we become involved in your claim, we immediately contact the at-fault driver's insurance company and put them on notice that we represent the injured party. ■

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- Maritime Law
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