

# MCMILLAN SMITH & PLYLER ATTORNEYS

## WHAT SHOULD I DO IF I'M IN AN AUTO ACCIDENT?

**If the accident that you or someone you know involves serious personal injury, you should contact an experienced attorney as soon as possible.**

*Source: NC Bar Association*

### **Equip Your Car**

Your car/vehicle should contain:

- Current vehicle registration
- Current insurance information (including insurance carrier name & policy number)
- Pens
- Notepad
- Disposable camera

### **Steps To Take Following An Auto Accident**

#### **Stop.**

North Carolina law requires that drivers of vehicles involved in an accident resulting in personal injury, death or property damage to immediately stop their vehicles at the scene of the accident or collision, avoid obstructing traffic more than is necessary, and to immediately return to or remain at the scene of the accident until a law enforcement officer completes investigation or authorizes them to leave. You may leave temporarily to get medical help or call an officer, but you must return if you can as soon as possible. Warning devices should be used to let approaching motorists know an accident has occurred.

#### **Assist the injured.**

If someone is seriously injured, immediately seek medical assistance. Make the injured person comfortable but do not move the person unless you know what you are doing. You may, however, render reasonable assistance. Unless the person giving assistance is guilty of wanton conduct or intentional wrongdoing, that person cannot be held liable for damages resulting from the effort to provide assistance.

#### **Call a police officer.**

North Carolina law requires that drivers of vehicles involved in accidents resulting in personal injury, death or total property damages of \$1,000 or more, shall immediately, by the quickest means of communication, give notice to the local police department or, if outside city limits, to the nearest office of the North Carolina Highway Patrol, sheriff's department or rural police. An accident, which does not involve personal injury, death or total property damage in excess of \$1,000, is not required to be reported to the police or Highway Patrol unless an unattended vehicle is damaged.

#### **Witnesses.**

Obtain the names, phone numbers and addresses of any and all witnesses who might have some information about any of the circumstances of the accident. Attempt to obtain from these witnesses statements as to what happened.

#### **Statements about the accident.**

North Carolina law requires that you give your name, address, operator's license number and the registration number of the vehicle you are driving to the person struck or the driver or occupants of the other vehicle. Any statement you make, written or oral, about the accident may be used against you. **YOU ARE NOT REQUIRED TO ADMIT FAULT/LIABILITY. CONSULT AN ATTORNEY** if you have any question about whether or not you should make a statement about an accident.

#### **Assist the police officer.**

Unless injured, remain at the scene until the officer arrives. Cooperate with the officer by providing the basic facts. Remember, no one can force you to give an opinion as to the cause of the accident at the scene, at police headquarters or elsewhere. You have the right to consult a lawyer before making any statement.

#### **Exchange of information.**

Obtain the other driver's name, phone number, address, operator's license number and the registration number on the vehicle. It is suggested you request to see the other driver's license. North Carolina requires both of you to give this information to each other. It is advisable, but not required, that all parties to an accident exchange information identifying their insurance company and policy number. In the event your accident involves a parked car or unattended property and you cannot identify the owner, you should contact the nearest police agency, leaving your name, address and vehicle registration number and also leave this information conspicuously attached to the damaged property. In any event, police authorities must be informed within 48 hours of all accidents with parked or unattended vehicles.

#### **Take notes and photos.**

Fill out an accident information form and diagram, if possible. Make your own written notes on all significant circumstances concerning the accident. Show position of cars after the accident. Step off exact distances of skid marks and other important distances. Be certain that you can, at a later date, point out on the road where 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, position of cars, and other physical evidence that will disappear after the accident.

#### **Arrests.**

An arrest at the scene does not necessarily indicate liability. An arrest or conviction in connection with an automobile accident ordinarily cannot be used against you later in a suit for damages. However, if a person pleads responsible or guilty or "pays off" the citation, the plea or pay off can be used against that person in a suit for damages as some evidence of negligence.

#### **When to leave the scene.**

Unless your injuries compel you to do otherwise, do not leave the scene of the accident until you have, as outlined previously, assisted the injured, protected the scene, called and assisted an officer, identified the other driver, obtained the names, addresses and statements of all witnesses, made notes, and filled out the accident information form.

#### **See a doctor.**

Remember that serious and costly injuries may not always be obvious or result in immediate pain or bloodshed. Inform your insurance company of any injury/medical condition and of your medical bills.

#### **Notify your insurance company.**

Make a complete report to your automobile liability insurance company immediately, or, if you desire, have your lawyer make the report for you.

#### **Pay nothing.**

Make no immediate payment of any kind to the other party and do not promise to make a payment. Any such payment would be at your own risk. The other driver cannot force you to make any payment without legal proceedings or hold your car without legal action.

#### **Comply with financial responsibility law.**

Every owner of a motor vehicle required to be registered and licensed in this state either must have obtained liability insurance or have posted an equivalent bond or certificate of self-insurance with the state. Failure to comply with the financial responsibility law will result in revocation of your operator's license and vehicle registration.

#### **Consult a lawyer.**

If you have any questions about the participants' rights, responsibilities, insurance coverage, liability or court proceedings following an accident, you should consult a lawyer.