

THE NORTH CAROLINA ACADEMY OF TRIAL LAWYERS

The North Carolina Academy of Trial Lawyers is a nonprofit, nonpartisan association dedicated to protecting people's rights through community and professional legal education, championing individual rights, and protecting the safety of North Carolina families—in the home, in the workplace, and in the environment. This brochure is presented as a courtesy of the Academy and your local attorney. We hope it will assist you in understanding your rights and responsibilities in the event of an auto accident.

The Academy's public education programs work to improve our court system to bring fairness and justice to all people in North Carolina, and to increase both understanding and appreciation of the American judicial system and the right to trial by jury.

If you have further questions about your special needs regarding an accident, you should consult an attorney. It is suggested that you write down all questions prior to meeting with an attorney to ensure that your questions are answered directly and promptly.

This brochure was prepared by the Academy's Public Education Department. For additional information on the Academy brochure series contact:

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WHEN A Car Accident HAPPENS



ACCIDENT INFORMATION FORM

Fill this form out at the scene of the accident.

Name, address & phone number of other driver:

Name & address of insurance company covering other car (and driver, if different):

Other driver's license #:
Make & year of other car:
License plate # of other car:
Has he/she apparently been drinking?

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

Names, addresses & phone numbers of passengers in other car:

Names, addresses & phone numbers of all possible witnesses:

Road condition:

Traffic condition:

Weather conditions:

Date, time & location of accident:

Use the space below to sketch the scene of your accident. Be sure to include the following: street or highway names or numbers; location of traffic lights and road signs; location of tire marks, blood, broken glass, dirt, etc.; position of your car after the accident; position of other car after the accident.

Did your car skid? How many feet?

Place of impact on your car:

Place of impact on other car:

Speed of your car just before the accident:

Speed of the other car just before the accident:

Direction of your car:

Direction of other car:

Were you or the other driver turning?

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

If at night, were the car lights turned on?

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

Name and address of wrecker that removed other car:

IF YOU ARE INVOLVED IN A CAR ACCIDENT...

1. STOP

North Carolina law requires that the driver of a vehicle involved in a wreck resulting in personal injury, death, or property damage must stop his/her vehicle at the scene of the accident.

2. ASSIST THE INJURED

Your first duty, after stopping your car, is to check for injured persons. North Carolina law requires that you render reasonable assistance to any injured person. If someone is seriously injured, try to get a doctor or call an ambulance—whichever is quicker.

Make the injured person comfortable, but do not move the person unless you are skilled in such practice. Your actions, in spite of your good intentions, could result in further injury to the victim.

You may need to transport such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if it is requested by the injured person.

If you render first aid or emergency assistance at the scene you can not be held liable in civil damages for any acts or omissions unless these amount to reckless or intentional wrongdoing.

3. CALL AN OFFICER

North Carolina law requires that the driver of a vehicle involved in a wreck resulting in personal injury, death, or property damage of \$1,000 or more shall immediately, by the quickest means of communication, give notice of the wreck to the local police department, sheriff, or highway patrol.

Even if there are no apparent personal injuries, it is advisable to give this notice immediately. Injuries often show up later, and it is important that an officer investigate the accident promptly. The investigating officer will forward a written report of the wreck to the NC Division of Motor Vehicles. Anyone can obtain a copy of this report from the NC Division of Motor Vehicles in Raleigh. The official report may assist you later if any claim of liability is made.

4. PROTECT THE SCENE

Make every effort to prevent further accidents, as a collision site is a dangerous place. Everyone who is able to do so should move well away from traffic. If possible, avoid standing between two vehicles, even if they are off the road. If possible, have someone stationed to warn approaching vehicles. At night, use any available flares and reflectors, and always have a flashlight available. If there are no obvious personal injuries and the car can be driven normally, move your vehicle off the road.

5. ASSIST THE OFFICER

Remain at the scene, unless injured, until the officer arrives. Cooperate with the officer by relating the basic facts briefly. Remember, no one can force you to give an opinion as to the cause of the wreck at the scene, at police headquarters, or elsewhere. You have the right to consult a lawyer before making any statement. If it is a serious accident, consult your lawyer as quickly as possible.

6. TRAFFIC CHARGES

Being arrested or receiving a ticket at the scene of an accident does not necessarily indicate liability for damages. However, the way that any such charges are resolved may be used as evidence against you in civil court, if there is a lawsuit either on your behalf or against you. The relationship between criminal and civil consequences for a collision can be complex, and accidents frequently result in both civil and criminal consequences, as well as increases in your insurance rates. Because of this, it is best to consult a lawyer before entering any plea in traffic court.

REMEMBER TO...

SAY NOTHING

Do not give any opinions about the wreck. You may find it helpful to take notes on it so that you can recall the details later. However do not show your notes or admit any wrongdoing to anyone, even if you think you are in the wrong. You may learn later that you were not in the wrong or that the other driver was also to blame. Hasty, emotional admissions can be costly. There will be sufficient time to admit blame later if the facts clearly show that you were in the

wrong. NC law requires only that you give your name, address, and the license plate number of the vehicle you are driving, and exhibit your driver's license to any person affected by the accident.

PAY NOTHING

Make no immediate payment of any kind to the other party nor promise to make payment. Any such payment would be at your own risk. The other driver cannot force you to make any payment without legal proceedings, nor can you be held liable without legal action.

DO NOT LEAVE UNTIL YOU ...

1. IDENTIFY THE OTHER DRIVER

Obtain the other driver's name, address, insurance information, and license plate number. Ask to see the other driver's license. North Carolina law requires exchange of this information among all parties involved in an accident.

2. RECORD EVIDENCE

Obtain the name, address, and phone number of any witness(es) as soon as you can. Both eyewitnesses and others at the scene might have some information about the circumstances of the accident. After writing down their names, addresses, and phone numbers, ask them for a written statement as to what happened. Keep a pencil and pad with this brochure in the glove compartment of your car. If you do not have a cell phone with a camera, keep a camera in your glove box and use it to document important elements of the scene. If the offending driver looks impaired, video footage can help provide proof of that.

3. TAKE NOTES

Fill out the accident information form and the diagram in this folder as soon as possible.

LEAVING THE SCENE

It is recommended that you don't leave the scene until you have, as outlined previously, assisted the injured, protected the scene, called and assisted an officer, identified the other driver, and obtained

pertinent information about all witnesses. Further, North Carolina law *requires* that the driver of a vehicle involved in a wreck resulting in property damage, personal injury, or death shall remain at the scene until he/she has given his/her name, address, license plate number, and driver's license number to any person(s) affected by the accident, and the investigating officer completes his/her investigation or authorizes you to leave.

AFTER LEAVING THE SCENE...

1. SEE A DOCTOR

Remember that serious and costly injuries do not always result in immediate pain and also that the shock of the experience can mask your symptoms. Unless the accident was a minor impact one resulting in no symptoms whatsoever, you should see a doctor as soon as possible.

2. INFORM YOUR INSURANCE COMPANY

Make a complete report to your automobile liability insurance company. Your lawyer can make this report for you.

If you are a member of any group insurance plan or have any insurance providing medical or disability coverage, you should notify such company of your accident and injury and file appropriate claims.

3. SELECT YOUR OWN LAWYER

Make sure that no one rushes you into taking a settlement, especially if you are still receiving medical treatment. Select your own lawyer to advise you. A lawyer is trained to assist you in handling the problems resulting from an accident, including the preservation and gathering of evidence.

4. PRESERVE EVIDENCE

Take photos of your injuries, particularly bruises. Keep your medical bills. The vehicle should also be photographed. If you suspect that the accident was caused by a defect in your vehicle, do not let your vehicle be sold as salvage, so it can be examined. The scene may need forensic examination, also. It is never too early to retain counsel who may need to quickly involve an expert.