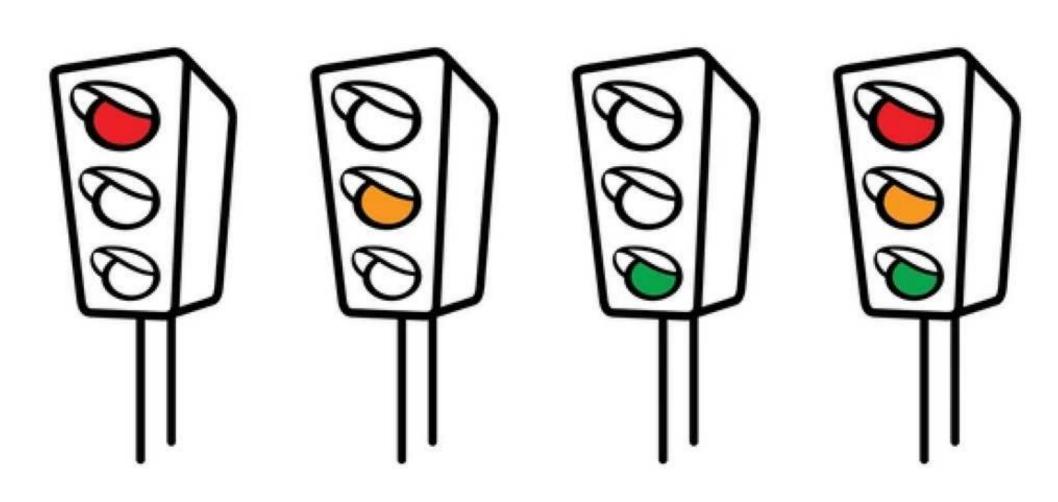


# WHAT TO DO IF YOU ARE IN A CAR ACCIDENT

BY PROFFITT & COX, LLP



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Introduction

### PROTECT YOURSELF, OTHER PASSENGERS, AND YOUR PROPERTY

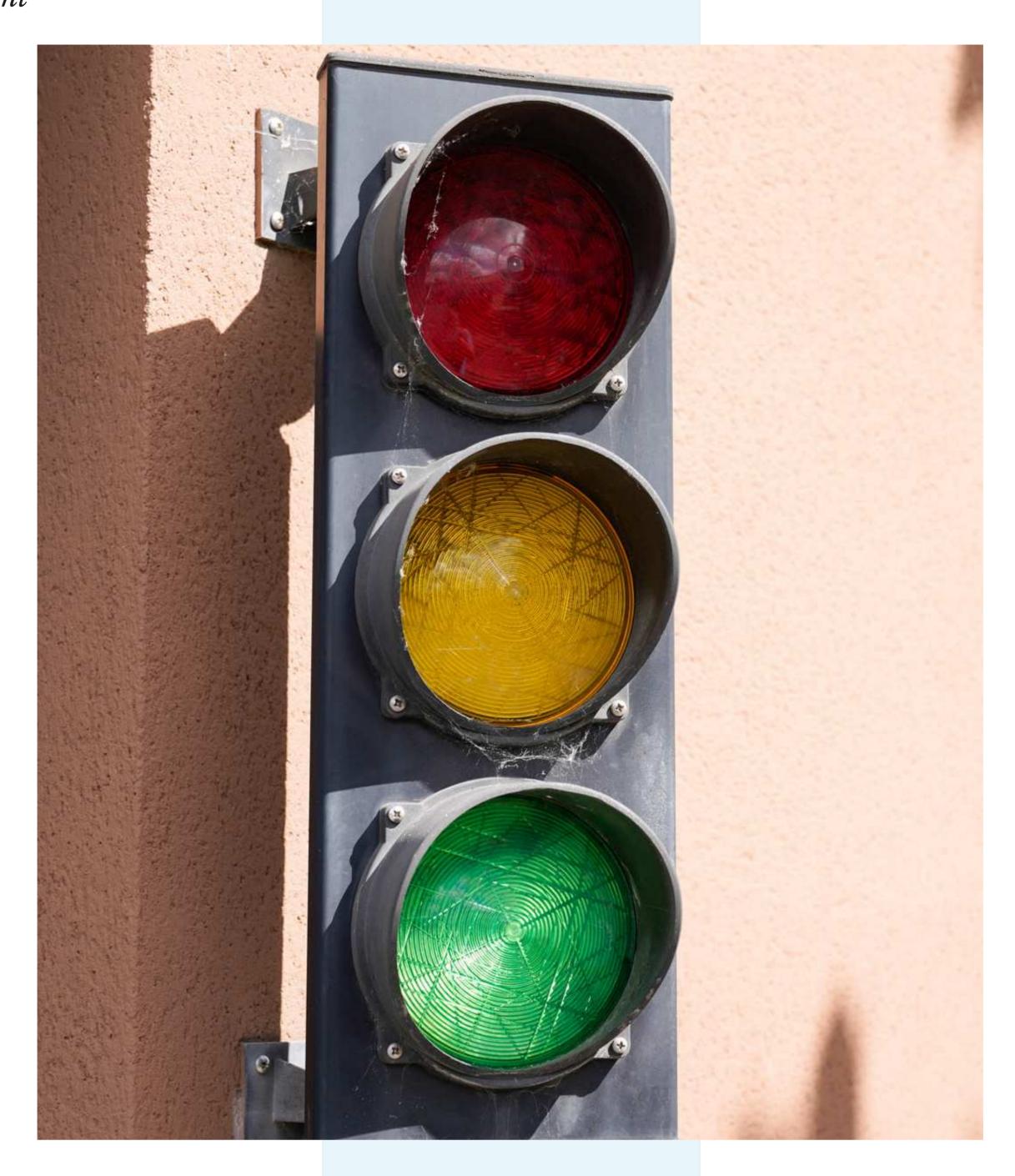


Even if you're the best driver in the world, you can't predict every other motorist's behavior on the road.

A car accident is something that almost everyone experiences at some point in their lives, regardless of how good a driver they are.

The combination of physical pain and the adrenaline rush that follows a crash can make it difficult to maintain composure in the aftermath. To assist you in the critical moments following a car accident, we have compiled this handy checklist for protecting yourself, other passengers, and your property. This manual also covers what to do after an accident has occurred, such as dealing with insurance companies, other drivers, and the legal and medical repercussions.

We created this guide to help you avoid making some of the more common mistakes that people make when trying to get their lives back on track after experiencing a car accident. And if at any point you feel you need legal counsel, don't hesitate to get in touch for a no-cost consultation on injury cases. (803-306-8053)



### While at the accident site

### Do your best to find a secure location.

The lives of those involved in the accident are of paramount importance. However, you must first ensure your own safety before you can assist others. Start by activating your hazard lights by pressing the red triangle button in the center of your dashboard. The flashing hazard lights warn oncoming traffic of your presence and hopefully prevent an accident. Check for smoke and other signs of a fire to see if it's safe to continue driving. Is it safe to wait in your vehicle for help to arrive? Is it safe to approach the other vehicle(s) involved in the collision, whether it be another car, bicycle, motorcycle, or something else? For your safety, and if your car is able to drive, you may want to stay in your vehicle and pull over to the side of the road if the accident happened in the middle of a busy highway and traffic is still moving. Try to signal to the other driver that you are pulling over and don't travel too far away leaving the scene of an accident is a crime, but moving to the side of the road is merely safe behavior.

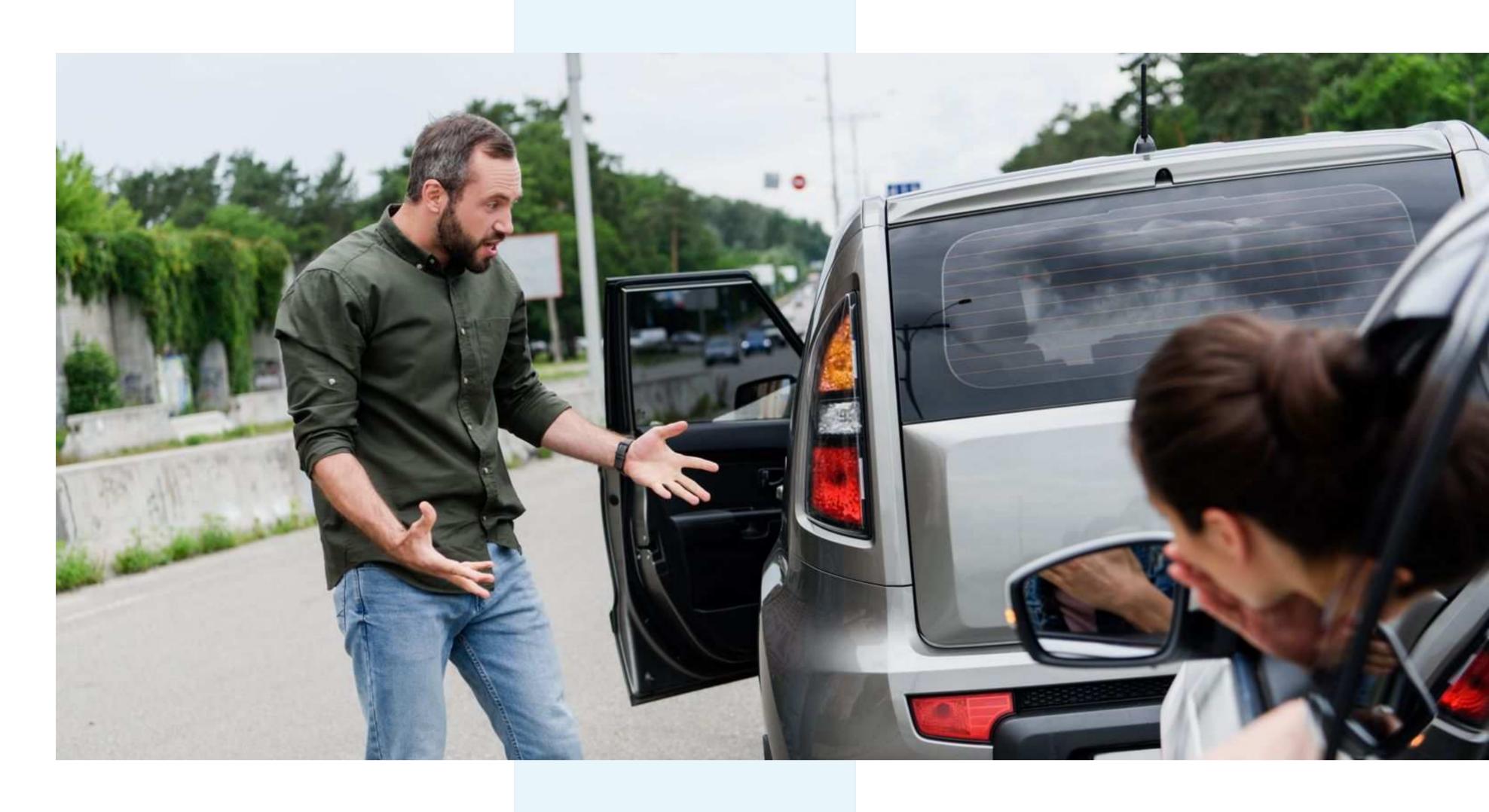
Unless your vehicle is unsafe, avoid getting out and waiting on a busy highway. When people get out of their cars in the dark and are not seen, it often results in serious injuries and a second accident. If your car breaks down in the middle of the road, you should assess the situation to determine if you can safely get out of the car and walk to the side of the road, ideally on the other side of the metal traffic barrier or concrete median. Waiting by the side of the road is obviously dangerous, so if there is a gas station, restaurant, or other accommodation that you can walk to, do so instead.

#### Ensure that everyone is safe.

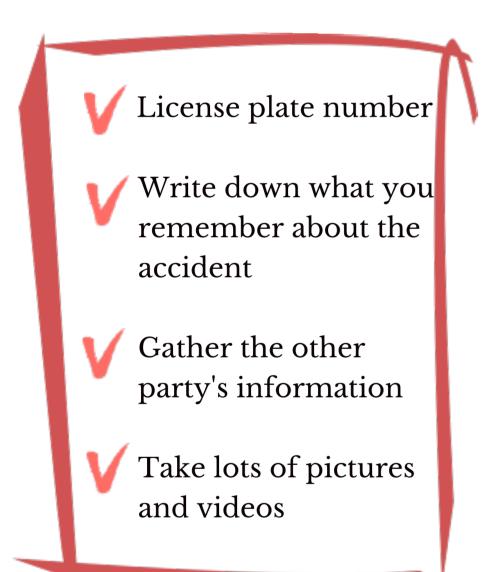
Take a few deep breaths and make sure everyone in the car is okay once you've reached a safe area. People who are hurt or in pain should stay put in the car if doing so is safe. Never attempt to move an injured person yourself; instead, call 911 and wait for help to arrive. The paramedics can stabilize the patient's injuries to keep them from getting worse while they are being taken to the hospital for treatment.

Were there any additional individuals in the accident besides the ones in your own vehicle? If a motorcycle, bicycle, or pedestrian were involved in the collision, those individuals may have suffered serious injuries and require medical attention. If it is safe to do so, you should check on anyone who was in a second vehicle that was involved in the collision.





### Collect information and keep an eye out for hit-and-runs.



Keep an eye out for the other vehicle involved in the collision and try to memorize, write down, or even better, take a picture of the license plate with your smartphone. Not everyone will be courteous and stop to exchange information. If it is safe to do so, exit your vehicle and exchange information with the other driver. Before approaching the other driver, some people will dial 911 or start recording a video in case the other driver becomes physically aggressive. This can serve as evidence if the situation escalates. Keep your cool and don't get into an altercation with the other driver; if they're acting aggressively or in any other way that makes you feel unsafe, stay in your vehicle and dial 911.

Take down the other party's insurance and contact information using your smartphone. Do the same for any witnesses that are on scene. Do not rely on law enforcement to collect the contact information for witnesses.

Document everything you can see, from the vehicles to the roadside and any injuries. Note the behavior of the other driver: are they slurring their speech, smell of alcohol or marijuana, or showing any other signs of incapacitation? Take a video of the two vehicles and the scene of the accident if you feel safe doing so. Always keep in mind that the information you collect at the scene of an accident is going to be your best bet if there is a dispute over who was at fault or how much damage was caused. Most people already have a camera or smartphone on them, making it simpler than ever to record any accident on the spot.

You should also write down details about the area around the accident, such as the time of day, the weather, the amount of traffic, and your thoughts on what happened. There's no such thing as too much evidence, so don't hesitate to jot down the names and badge numbers of the responding police officers and anything else you think could be useful.

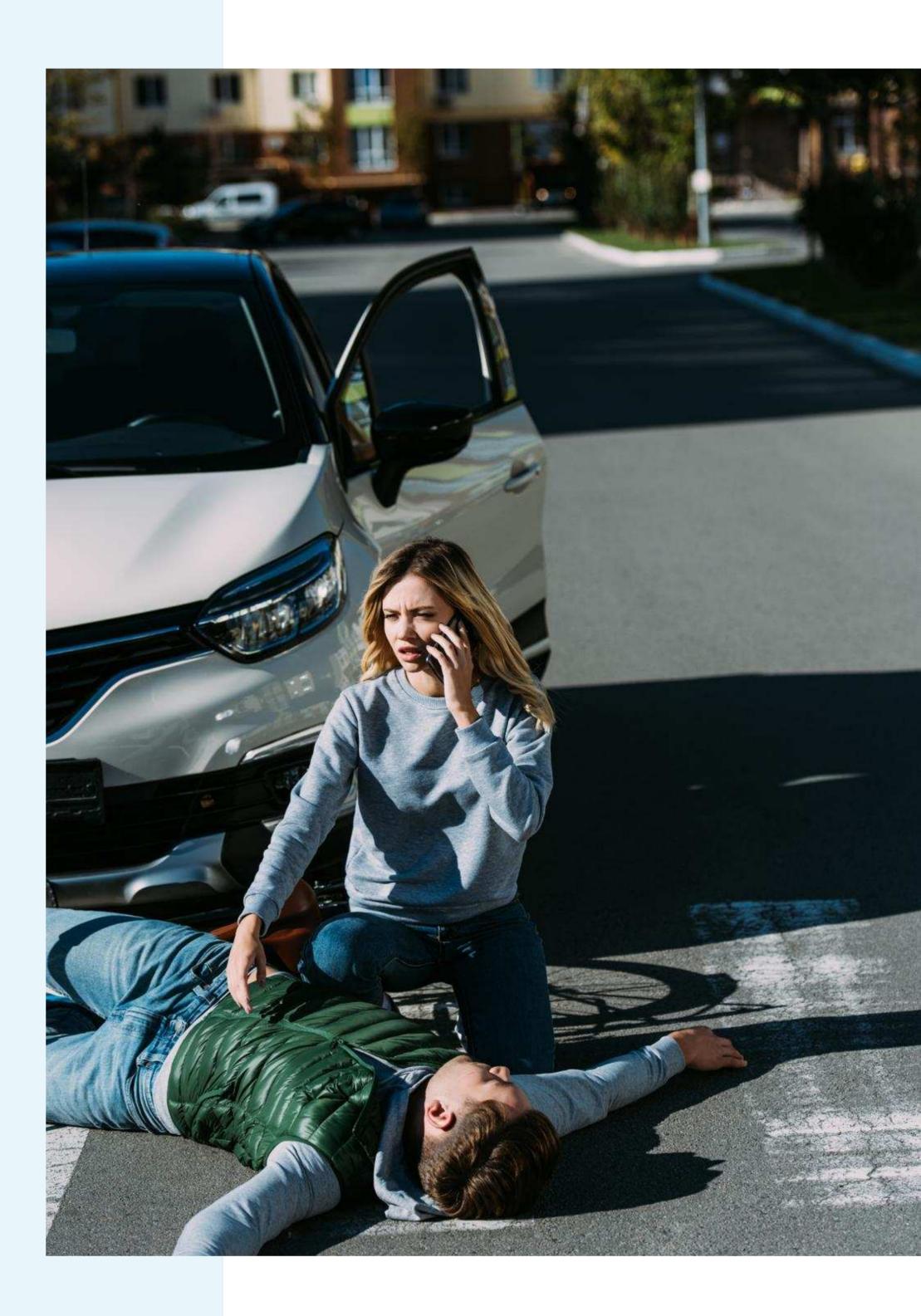
If you have visible injuries such as cuts, bruises, or abrasions, make sure to photograph them before they heal. Pictures truly are worth a thousand words when it comes to demonstrating the initial signs of an injury.

#### Call For Help

Immediately dial 911 if you haven't already.
The police should be called for all accidents in South Carolina, and when they come to the scene, they will prepare a police report. If either driver violated a traffic law, they may be given a ticket at the scene. 911 should also dispatch an ambulance or the fire department to help manage the scene and evaluate any injuries.

Request a business card or the officer's information so you can follow up if questions arise that you need to discuss with the officer later.

If the police do not come to the scene and prepare an accident report, you are required to self-report the accident to the DMV if there is \$1,000 or more in damages or if bodily injury or death occurred as a result of the accident.





### Say only what is necessary

Do not admit that you are to blame for the accident, even if you think you were at fault. It is not up to you to decide "fault" while you are under the immense stress of a car accident and standing on the side of the road, because legally, this is something that is for the lawyers, insurance companies, and the court to work out.

### Be sensible and seek medical help.

A minor scrape on the bumper or a slow-speed collision with a parking meter are examples of accidents that are likely not to require medical attention. However, some injuries, like whiplash, soft tissue damage, bruising, and concussions, may not show any outward symptoms.

Your injuries might not seem so bad when the adrenaline is pumping through your veins. Still, it's best to see a doctor if you're experiencing any symptoms. The natural human response to danger, "fight or flight," can dull the sensation of injuries until you have time to collect your thoughts and assess the situation more rationally. Whiplash, internal bleeding, and other soft-tissue injuries are often not felt until much later. It may be more challenging to get treatment later on, or the injury may have worsened. To further complicate matters, if no one reports the injury for several days after the accident, it will be harder to prove that it was caused by the collision from a legal standpoint. In short, seek medical attention, even if you think your injuries are minor.





The car itself may have slipped your mind amidst worries about injuries and paperwork. If your insurance or auto club provides roadside assistance, call them and ask to have your vehicle towed to a service center if it cannot be driven safely.

The next step is to contact your insurance provider. It's possible that the insurance company's mobile app can also be used to file a claim. You should notify your insurance company that an accident happened, but do not provide the insurance company with a written or recorded statement about what happened during the accident without discussing the matter with an attorney first.

As a second step, the insurance company for the other driver will need to be contacted. You can expect to be bombarded with questions. A lawyer should be consulted before speaking with the other driver's insurance company to ensure that you aren't wrongly blamed for the accident and don't otherwise say something that might harm your claim.

If the other driver was clearly at fault in the accident, their insurance company might make you a quick settlement offer. While a quick, fair settlement for your automobile might be fine, it is rarely prudent to accept a quick settlement of your injury claim. When it comes to car accidents, most lawyers offer free consultations on injury cases and are willing to take cases on a contingency fee basis, which means you won't have to pay anything unless they win your case. You should definitely consult with a lawyer before settling your injury claim. With regard to damage to your car, you should be compensated for the cost of repairs or payment of the value of the vehicle if it is a total loss, diminution in the value of a repaired vehicle, and be provided with a rental car or compensated for the loss of use of the vehicle until repairs are completed.

Injury claims are more complicated, and no two claims are the same. Generally, the law provides that compensation for injuries should include the cost of your medical expenses, time missed from work, pain and suffering, and restrictions on your physical abilities or limitations on your ability to participate in your usual activities. Severe or permanent injuries may include compensation for other damages that you are likely to experience in the future. An experienced accident attorney can negotiate for compensation for all appropriate damages or file a lawsuit if the insurance company refuses to make you a fair settlement offer.

### As soon as possible after the accident

#### Handle your car

### Fill Out The DMV Paperwork

Remember: in South Carolina, you must provide proof of insurance at the scene of the accident, plus provide proof of insurance to the DMV. The police officer will provide the drivers with an FR-10 insurance form, which must be completed by your insurance company and returned to the DMV within fifteen days. If you fail to file this form, your license may be suspended.

Once the police officer's report is filed with the DMV, you can get a copy of that report by filing an FR-50 form.

If the police did not come to the scene of the accident, you must self-report any accident resulting in property damage of \$1,000 or more using form FR-309 within 15 days.







### Replace your car seats

Every parent reading this should know that it's important to replace their children's car seats after being in an accident. The internal support structures of these car seats, which are made to absorb the force of a single collision, may already be damaged in ways that are invisible to the naked eye. To keep your kids safe in the event of another accident, you should get new car seats even if insurance doesn't cover the cost of doing so.

### Talk about your case with an attorney

If you are satisfied with the insurance company's offer and there were no injuries, you may be able to get by without an accident attorney. But keep in mind that the insurance adjuster's goal is to reach a settlement as quickly and cheaply as possible, and you might be treated unfairly if you do not know your rights.

If you or anyone in your car has been hurt, if the other driver fled the scene, if the other driver was distracted or impaired, if the insurance company disputes any part of your claim, or if the other driver did not have insurance, you should consult an attorney. If you accept a low ball offer or one that fails to compensate you for all damages allowed under the law you might have serious regrets. Since most accident lawyers provide initial consultations on injury cases at no charge, consulting with legal counsel before accepting an insurance settlement offer costs nothing and might turn out to be one of the best decisions you ever made.

You should strongly consider speaking with an attorney after a car crash.



## CALL FOR HELP



Download mobile app here:



### State Farm Insurance Claims: 1-800-732-5246

Claims: 1-800-732-5246
Roadside Assistance:

877-627-5757

Download mobile app here:



#### Progressive Claims: 1-800-776-4737 Roadside Assistance:

1-800-776-4737

Download mobile app here:



### **Auto-Owners** Claims: 1-888-252-4626

Roadside Assistance:

1-888-869-2642

Download mobile app here:



### Allstate Claims: 800-255-7828 Roadside Assistance: shorturl at/ciDS8

shorturl.at/cjDS8





Here at Proffitt & Cox, we provide initial consultations in injury cases at no charge.

Consulting with legal counsel before accepting an insurance settlement offer costs nothing and might turn out to be one of the best decisions you ever made.

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