

WHAT TO DO IF YOU ARE IN A MOTOR VEHICLE ACCIDENT



Immediately after the accident

If you are involved in an automobile collision, stop. Most states require an individual not to leave the scene of an accident, even a minor one, without first stopping to see whether there are damages or injuries. A person may be criminally prosecuted for leaving the scene of an automobile accident.

Next, check for injuries. Generally, you should not move an injured person. Call an ambulance, if necessary, and the police. If you are unable to call, ask somebody else to call the police to report the accident and inform the police of the number of people who are injured, so that enough emergency personnel respond to the scene.

If possible, notify oncoming traffic to proceed with caution by setting out flares, turning on your hazard lights, or raising the hood or trunk of your vehicle.

You and the other driver should exchange information, including the other driver's name, address, phone number, drivers license number, license plate number, insurance carrier, policy number, and agent's name and telephone number. You should also provide the same information to the other driver. You should always exchange information with the other driver, even if your automobile does not appear damaged and you do not immediately feel any pain or discomfort. In many instances, you will not be fully aware of your injuries until days or weeks later.

Obtain identifying information from any witnesses to the accident, and ask the police officer who investigates the scene to provide you with a business card and the "incident number," so that you can obtain an accident report.

You may also want to take notes about where and how the accident occurred, road conditions, speed limits, traffic control devices, weather, lighting, and what the cars were doing at the time of the collision. However, if you end up in litigation related to the accident, you may be required to share these notes with the other party.

Even if you think you are at fault, do not say so. The other driver may share the fault or other factors may have caused the accident. An admission of fault may be used against you later on.

When the police arrive

Cooperate fully with the police when they arrive, and stay at the accident scene until the police tell you that you can leave. When you speak to the police, tell them only the facts of what happened, and do not draw any conclusions. Do not admit responsibility for the accident to the other drivers, passengers, witnesses or the police. Responsibility or liability is a legal matter that is not always easy to determine. Inform the police of any injuries and witnesses.



Soon after the accident

Photograph your injuries and the damages to your car. Gather all automobile insurance policies in your household for evaluation by an attorney, and inform your insurance company of the accident. Obtain legal advice before filling out insurance documents, giving recorded statements to any insurance company, or meeting with any insurance company representative. It is especially important to consult an attorney before giving a statement to the other driver's insurance company. Do not sign any check or document from any insurance company without first consulting an experienced personal injury attorney.

Consult a physician as soon as possible. You may experience a time lag between the collision and full awareness of the extent of your injuries. Certain injuries may not be apparent until sometime after an accident. By not seeing a doctor, you risk delaying your treatment and aggravating your injury. Even minor soreness can be an indication of a more significant injury. Therefore, if you believe there is any chance you may have been injured, you should see a doctor as soon as possible.

Under Pennsylvania law, at least the first \$5,000.00 of your medical bills will be covered by your own insurance company (no-fault), regardless of who was at fault for the accident. Thus, even if you do not have health insurance from an employer or private provider, you can rest assured that you will be able to receive some treatment under your own policy. Be sure to get the claim number assigned by your insurance carrier and provide it to your doctors so that they may bill the company accordingly.

The opposing party's insurance company may argue that the failure of an individual to see a doctor right away indicates that an injury must have resulted from an unrelated event after the accident. The longer you wait for medical treatment, the more difficult it will be to connect the injuries to the accident. Be sure to report any memory loss, headaches, blood or fluid in your ear, dizziness, ringing in your ears, disorientation, nausea, or confusion.

Later

Within a few days of the accident, record all important information, license numbers, and the year, make and color of all vehicles involved, and the details of the accident, including date, time, location, road conditions, traffic controls, and weather conditions. If you have not yet contacted an attorney, you should talk to a lawyer that has the experience, dedication and ability to maximize your compensation and minimize the frustration, delay and confusion that you may experience when you make an injury claim.

Document all of your losses, including medical bills, reasonable transportation costs related to the injuries, future medical treatment, lost wages, future loss of earnings, the effect on your family, and the effect on your life. An experienced attorney can help you identify all losses that may be related to your accident.

Injuries and Compensation

Generally, an individual injured in an automobile accident may bring a claim or lawsuit to recover the actual expenses associated with property damage and medical costs, economic damages, and emotional and physical pain and suffering. Litigation involving motor vehicle accidents can be extremely complicated. Retaining an experienced lawyer familiar with motor vehicle accident damages will place you in the best position to receive the recovery that you deserve. This is especially true if you have selected the "limited tort" option on your Pennsylvania insurance policy. Under limited tort, your ability to recover damages may be limited absent "a serious impairment of a bodily function". In reality, the limited tort option allows insurance companies to routinely deny most claims on the basis that your injuries aren't serious enough. Given that about 90% of all accidents do not involve broken bones or other "objective" evidence of injury, limited tort may be the biggest obstacle to recovering damages for your pain and suffering and other non-economic damages. Accordingly, if you have selected the limited tort option under your policy, it is imperative that you consult an attorney as soon as possible.

Damages

In automobile accident cases, as in all negligence cases, the injured party may recover for physical pain and suffering, mental pain and suffering, medical and rehabilitative expenses, past and future lost income, permanent impairment and permanent disfigurement. Typical damages may also include future medical bills that are reasonably certain, loss of enjoyment of life, and physical property damage. A previous injury does not necessarily affect the right to recover compensation. The injured party may still recover damages for re-injuring or aggravating the earlier injury. In order to document the damages, a person injured in an accident should keep a daily diary describing how the injury affects him or her and his or her immediate family.



Family member's damages

The spouse of the accident victim may also be able to recover for damage to the marital relationship. Both the husband and wife usually bring the claim, which is known as "loss of consortium." Loss of consortium generally refers to any negative effect on the marital relationship caused by the accident, and includes loss of the spouse's love, companionship, comfort, affection, solace, moral support, sexual relations, ability to have children, and physical assistance in the operating and maintaining a home. Loss of consortium can be either temporary or permanent.

Insurance

Typically, an insurance company will compensate the victim for his or her damages. If the other driver has insufficient insurance or is not insured at all, the victim may be entitled to compensation from his or her own insurance company under an uninsured or underinsured motorist provision. However, in Pennsylvania, insurers can elect to waive these types of coverage. Uninsured motorist coverage is a form of insurance that pays for bodily injury that results from an accident with a driver who is legally responsible for the injuries, but has no liability coverage. Underinsured motorist coverage pays for bodily injury that results from an accident with a driver who has liability insurance with limits that are lower than the injured party's damages. Also, other insurance policies, such as the policies of other family members or employers, may provide benefits to the injured person. Even if the injured person was partially at fault, the law may permit a recovery. To protect yourself and your family in the event of an accident, you must contact an experienced attorney to review your insurance policies and to inform you of your legal rights under your policies.

Recovery Amount

The value of an automobile accident case depends on a number of factors, including how the state looks at fault, how easily the other party's fault can be established, the type and seriousness of the injuries, the type of medical treatment required, and the amount of insurance coverage available. Other relevant factors may include how the accident happened, the extent of vehicle damage involved, whether the injuries are permanent or involve significant scarring, the amount of your past and expected future medical bills, and the effect of the accident on your income. Every personal injury case is different. Therefore, the assistance of an attorney experienced in handling automobile accident cases, is vital to determine the fair value of your personal injury claim.

Conclusion

Cases arising out of automobile accidents are by far the most common type of personal injury case pending in our court system today. This is not surprising, given that every 10 seconds someone in the United States is involved in a car accident, according to the National Highway Traffic Safety

Administration (NHTSA). Injuries received in a motor vehicle accident can be catastrophic. Serious and disabling injuries can affect not only the injured person, but family members as well. Even relatively minor injuries that require medical care and result in lost time from work can have a great impact on a family. If you are an automobile accident victim and have specific questions or concerns about compensation for your losses, contact an expert personal injury law firm to assist you by diligently pursuing the individuals or companies that caused your injuries, determining what insurance is available, and maximizing your recovery.

At the **Law Offices of Jason A. Jenkins** we fight for your rights! If you or a loved one has suffered catastrophic or other personal injury as a result of an accident, and would like us to evaluate a potential case on your behalf, please contact us by telephone at **(610) 432-7040** or [click here](#) for our FREE Case Evaluation.

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