

AUTOMOBILE ACCIDENTS

Dealing with an automobile accident can be very confusing. This section will discuss an individual's rights and responsibilities following an automobile accident.

AT THE SCENE OF THE ACCIDENT

You *must* stop if you have an auto accident in California, even if you hit a parked car or other property. Sanctions for leaving the scene of an accident (a "hit-and-run") are serious—often more serious than the consequences of the accident itself.

You should not make any statements about who was to blame for the accident while at the scene. Do not make any agreements with anyone while at the scene about how to handle damages. The only paper you should sign at the scene is a ticket if given to you by a law enforcement officer.

If someone needs help, you should give reasonable assistance. Call 9-1-1 if someone is seriously injured. Do not try to render first aid unless you are properly trained. If someone is in harm's way and you can safely remove them from the perilous situation, you should do so.

You should obtain information about everyone involved in the accident. Drivers should exchange their license and registration information, including each driver's name, address, date of birth, phone number, driver's license number and expiration date, insurance provider, make, model and year of the automobile(s) involved, license plate number and registration expiration, and vehicle identification number (VIN). In addition, obtain contact information of any witnesses and any passengers in other vehicles. If there are law enforcement officers at the scene, write down their names, badge numbers and agency affiliations (*e.g.*, San Diego Police Department).

You should take notes of your general impressions of the scene, and include conditions such as weather and visibility. You may wish to draw a diagram of the accident location. When it is safe to do so, take pictures of the surroundings and of the vehicles involved before they are moved. Carry a notepad, pen, disposable camera, flashlight, flares and other emergency supplies in your auto at all times.

***NOTE: Do not interfere with law enforcement or emergency personnel while making your own assessments and documentation of the accident scene.

REPORT THE ACCIDENT

Report the accident to your insurance company as soon as possible. You must also report the incident to the California Department of Motor Vehicles (DMV) if there is more than \$500 worth of damage done to an automobile, if someone has been injured or killed, or if you receive a Report of Traffic Accident (SR-1) from a law enforcement agency.

VEHICLE INSURANCE

California law requires that all drivers be able to demonstrate proof of financial responsibility. A law enforcement officer may ask to see proof of financial responsibility during a traffic stop. Proof of financial responsibility includes proof of insurance, proof of a cash deposit to the DMV, a self-insurance certificate from the DMV, or a bond. For most individuals, insurance coverage will serve as proof of financial responsibility. There are different types of vehicle insurance:

- ▶ Liability insurance covers you when you are responsible for damage. There are different kinds of liability insurance. “Bodily injury” liability insurance covers you for injuries you cause to another person. “Property damage” liability insurance covers damage to property.
- ▶ Collision insurance covers damage to your vehicle regardless of who is at fault. This kind of insurance would typically cover damage to your vehicle if you were to hit an object.
- ▶ Comprehensive insurance covers damage to your vehicle for almost any reason, such as theft or fire.
- ▶ Uninsured/underinsured motorist insurance covers you if another person is liable to you for an accident and does not have any or enough insurance to cover your expenses resulting from injury or property damage.
- ▶ Insurance for medical payments covers certain healthcare costs regardless of who caused an accident.

Always make sure that you know what type of coverage you have and what is actually covered.

Getting Help

For more information on what to do after an automobile accident, visit the California Department of Motor Vehicle website, www.dmv.ca.gov.

For more information on automobile insurance, visit the California Department of Insurance website, www.insurance.ca.gov.

General Legal

Student Legal Services, 858.534.4374 or <http://sls.ucsd.edu>