

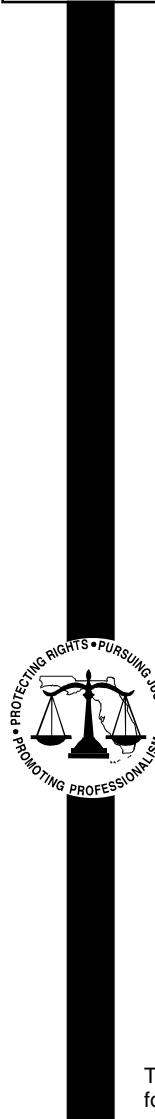
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- A Consumer Guide to Clients' Rights
- A Consumers Guide to Clients Rights (Spanish)
- Adoption In Florida
- Applying For Credit
- Attorney Consumer Assistance Program
- Attorney's Fees
- Bankruptcy
- Buying A Condominium
- Buying A Franchise
- Buying A Home
- Clients' Security Fund
- Complaint Against A Florida Lawyer
- Consumer Guide To The Legal Fee Arbitration Program
- Debtors Rights In Florida
- Divorce In Florida
- Do You Have A Will?
- Do You Have A Will? (Spanish)
- Family Mediation
- Filing An Unlicensed Practice Of Law Complaint
- Florida Call-A-Law
- Guide To Florida's Court System
- Handbook For Jurors
- How To Find A Lawyer In Florida
- How To Resolve A Grievance With An HMO
- If You Are Arrested In Florida
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- Legal Rights of Senior Citizens
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- Probate In Florida
- Sections of The Florida Bar
- Selecting A Lawyer For Your Special Needs
- Sexual Harassment in The Workplace
- Shared Parenting After Divorce
- So You're Going To Be A Witness
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- U.S. Lawful Permanent Residence
- What Is Guardianship?
- What To Do In Case Of An Automobile Accident
- What To Do In Case Of An Automobile Accident (Spanish)

The material in this pamphlet references some general legal principles. Since the law is continually changing, some provisions in this pamphlet may be out of date. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case. It is your obligation to ensure you protect your own legal rights by your own efforts and/or through consultation with and hiring of an attorney.

12/01

This pamphlet published as a public service for consumers by The Florida Bar



**What to Do
In Case Of An
Automobile
Accident**

COLOR

Traffic controls (traffic lights, stop signs, etc.) _____

Place and extent of impact on other car _____

Name and address of any wrecker that removes other car _____

Other conditions that might have bearing on accident _____

**THE FOLLOWING MAY BE FILLED OUT
EITHER AT THE SCENE OR SHORTLY
AFTER LEAVING THE SCENE**

Date of accident _____ Time _____

Location of accident _____

Type of road (grade, curve, etc.) _____

Speed of your car just before accident _____

Speed of other car just before accident _____

Direction of your car _____

Direction of other car _____

Were you or other driver turning? _____

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

If at night, were his lights turned on? _____

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

Other pertinent facts? _____

1. STOP

Florida law requires the driver of any vehicle involved in an accident to immediately stop at the scene. You should make sure you do not block traffic any more than necessary. If the accident involved an unattended vehicle or other property, you should attempt to locate the owner. If you cannot find the owner, then you are required to leave a conspicuous note, giving your name, address and vehicle registration number. You must immediately notify police of the accident.

If the accident involved an attended vehicle or property, both drivers must stop at or close to the scene, without obstructing traffic any more than is absolutely necessary.

2. ASSIST THE INJURED

Your first responsibility in the event of an accident with an occupied car or property is to find out if anyone is hurt. If someone is seriously injured, get an ambulance, rescue squad, or doctor immediately. You are required to provide the injured person all reasonable assistance, including attempting to obtain treatment for the injured or transportation to a doctor or hospital. However, you should not attempt to provide treatment for injuries yourself unless you are trained in first aid. Even with good intentions you may make the injury worse if you do not know what you are doing.

3. PROTECT THE SCENE

The cars should be left where they came to rest *unless* they are blocking traffic. While it is important to protect the accident scene, obstructing traffic can delay the arrival of police or emergency vehicles or even cause another accident. For this reason, it is essential that you carefully note the positions of any vehicles involved in the accident that are obstructing traffic—and then *move them*.

The use of flares, flashlights, or your car's four-way flashers can help provide warning to other drivers of the accident scene.

4. NOTIFY AUTHORITIES

All accidents do not require police notification. Only accidents involving injury to or death of any person or

damage in excess of \$500.00 requires police notification. All other accidents (minor in nature as defined by the Statute) do not have to be reported to the police as long as the drivers exchange information or notice is given to an unattended vehicle or property of the cause of the damage.

Written reports of accidents have to be made to the Division of Highway Safety and Motor Vehicles within ten (10) days after an accident which results in bodily injury to or death of any person or damage to any vehicle or other property of an apparent amount of at least \$500.00 unless an investigating police officer has made a written report having been notified of such accident.

5. PROVIDE REQUIRED INFORMATION

You are required by law to provide the other driver in an accident with your name, address, and vehicle registration number, and to let the driver see your license. You are entitled to the same. Always ask to see a driver's license, and copy down the number as well as his name and address. You are also required to provide the investigating officer with whatever information is needed to determine the cause of the accident. The statements you make to the officer alone to assist the investigation are privileged. If you are charged or sued, they cannot be used against you in court.

6. DO NOT COMMENT

With the exception of your exchange of required information, you should not comment on the accident. Keep your notes and opinions to yourself. Do not admit you were wrong or careless. Such admissions, made in the tension and excitement of the moment, may be accurate, but they could turn out to be costly. There is time to admit responsibility after the facts are all in if they clearly show you were wrong. If the accident was a serious one, you should consult a lawyer as soon as possible before arriving at any agreements with anyone, and before making any admissions. A plea of guilty to a traffic charge may sometimes be used against you in a lawsuit to establish your civil liability for damages.

NAME AND ADDRESSES OF ALL POSSIBLE WITNESSES TO ANY FACT

Name _____

Address _____

Name _____

Address _____

Name _____

Address _____

SPECIAL CONDITIONS TO NOTE IMMEDIATELY FOLLOWING ACCIDENT

Position of your car after accident _____

Position of other car after accident _____

Location of any tire marks, blood, broken glass, dirt, etc., on road or side of road _____

Location of point of impact in relation to center of road or some physical object _____

Did your car skid—if so, how many feet? _____

Did other car skid—if so, how many feet? _____

Road conditions _____

Traffic conditions _____

Weather conditions _____

versely, you may not be obligated to pay as much. By consulting a lawyer you will safeguard your own rights. Attorneys are designated in specialties to aid in selection. Any attempt by lawyers to contact you for employment without your request should be reported to The Florida Bar. You must select counsel and be wary of attempts to solicit you as a client.

ACCIDENT INFORMATION FORM

Fill Out This Form at the scene of the accident

THE OTHER DRIVER AND CAR

Name of other driver _____

Street address _____

City _____ State _____

Vehicle registration (car license) number _____

Make and type of car _____ Year _____

Number of driver's license of other driver _____

Has other driver apparently been drinking? _____

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

NAMES AND ADDRESSES OF PASSENGERS IN OTHER CAR

Name _____

Address _____

Name _____

Address _____

Name _____

Address _____

7. OBTAIN WITNESSES

Get the names and addresses of all the witnesses you can. Attempt to have them write down or at least state to you what they know, at the scene. Keep a pencil and pad in your car so you will be able to make necessary notes.

8. TAKE NOTES

Sketch a diagram of the scene, pace off distances, and note skid marks, broken glass, positions of the cars, and locations of damage. If you have a camera with you, take photos of the scene. Try to clarify what happened in your own mind while events are still fresh. Write down all you have noted as you will forget a great many details in a short period of time.

9. WHEN TO LEAVE

After you have assisted the injured, obtained identification from the other driver, provided your own name, address and identification, gotten the names of witnesses, studied the scene so that you know what happened to cause the accident, and assisted the investigating officer, you are free to go. You should ask for the officer's permission to leave prior to doing so.

10. SEE A DOCTOR

Serious injuries do not always show immediate symptoms. It would be wise to have your doctor examine you as soon as possible even if you are uncertain if you sustained an injury.

11. BILL OF RIGHTS

Florida has personal injury protection insurance which is known as "no-fault insurance," which all vehicle owners are required by law to carry. This insurance will potentially reimburse expenses up to \$10,000.

Your insurance company will pay 80 percent to all reasonable expenses for necessary medical care and treatment. Such benefits may also include remedial treatment and services recognized and permitted under the laws of the state for an injured person who relies upon spiritual means through prayer alone for healing in accordance with his or her religious beliefs.

Your insurance company will also pay 60 percent of any loss of gross income or loss of earning capacity. They will also pay 60 percent of all expenses reasonably occurred in obtaining from other ordinary and necessary services in lieu of those that, but for the injury, the injured person would have performed for the benefit of the household. Please note that just because you or your doctor feel expenses are related to the accident that does not guarantee payment.

Your insurance contract may also have medical payments coverage. Your insurance company must apportion claims between the PIP and medical payments coverage to maximize your benefits and you should request that it do so.

Check your coverage carefully and review your policy with legal counsel.

When an injury claim is filed under a no-fault insurance policy, the company must send you a "bill of rights"—a state-approved form explaining precisely what benefits you are entitled to and how quickly the company must pay them. The law provides interest on covered PIP benefits not timely paid. It also provides for fines to be assessed against PIP insurers by the Department of Insurance for failure to pay benefits within the prescribed time. See your lawyer for more details.

12. COMPLY WITH INSURANCE LAWS

Everyone who lives in Florida or who operates a motor vehicle here for over 90 days a year must have personal injury protection (PIP) insurance.

If you are also entitled to receive similar benefits from a major medical or disability insurance policy, Medicare, military pension benefits, or other sources, you should ask your auto insurance company about a policy which will provide a deduction to allow for such other payments. The rates on such a policy may be significantly cheaper than standard policy rates. Since most other insurance policies protect the company against double payments for the same expenses, you may not lose any benefits with the larger deductible.

13. OPTIONAL COVERAGE

You may also purchase insurance to cover damage to your auto, auto liability insurance, medical payments coverage and uninsured motorist coverage.

Auto liability insurance may be very important to you. It protects those who are "insureds" from legal liability for bodily injury or property damage to others, caused by auto accidents. Further, the insurer agrees to defend insureds against all liability claims for which coverage is afforded. Please note if you do not purchase enough coverage you may be personally held responsible for damages over your policy limit.

Auto liability is the most common way of complying with the Florida Financial Responsibility Law.

Uninsured Motorist Protection should seriously be considered and may be one of the best bargains in auto insurance. In effect, you are establishing insurance coverage for those situations in which the other at fault driver is uninsured or insufficiently insured. If you or someone else under your policy was seriously injured, a claim could be made against your own carrier for all damages recognized by the laws of Florida.

14. MAKE NO PAYMENTS

The driver of the other car cannot force you to pay anything without legal proceedings, and you or the other driver's insurance company must pay for damages in many instances. Accordingly, you should carefully consider the circumstances before making payments to the other driver for damage to car or property. You would be prudent to seek the advice of your insurance agent and your lawyer.

15. DISPUTES REGARDING PIP BENEFITS

In the event you are having a dispute with the insurer for PIP benefits you may demand mediation of the claim before resorting to the courts by filing a request with the Department of Insurance on a form provided by the department. For a small fee, mediation is an informal process whereby a neutral mediator selected by the Department of Insurance will work together with you and the insurer to resolve the dispute. You may reach the department at a local service office or call 1-800-342-2762. You should consult an attorney prior to such proceedings in order to ensure your rights are fully protected.

16. SELECT YOUR OWN LAWYER

Do not allow anyone to rush you into a settlement. You may be entitled to significantly more, or, con-