

What to Do if You Have a Motor Vehicle Accident *A Step-by-Step Guide*

New York, NY – (August 10, 2009) – According to a June 2009 report issued by the National Highway Traffic Safety Administration, the projected number of automobile accidents that resulted in fatalities declined in the first quarter 2009 as compared to the same period last year. Between January and March of this year, “an estimated 7,689 people died in motor vehicle traffic crashes.”

Despite the decline, auto accidents continue to take lives. “Though it can be hard to think clearly if you’ve just been in an auto accident, the following are steps to take if you are ever involved in one,” said Paul Dansker, Esq., co-founder of Dansker & Aspromonte Associates, the New York City-based personal injury law firm.

Step 1 – Ensure your own safety and that of your passengers.

Many fatal accidents occur after a relatively minor fender bender while people are standing in the roadway or near their vehicle. If possible, move the car off the road and out of the flow of traffic. In the event that the car is disabled and cannot be moved, all passengers should get out of the car and immediately get to a place of safety. Place lit flares or a warning sign in the roadway to alert oncoming drivers. Injured passengers should be kept calm and comfortable until help arrives.

Step 2 – Call 911.

Call 911 to notify the police, ambulance service, and, if necessary, the fire department. If you don’t know your exact location, look for landmarks that responders can use to find you. It always is advisable to call 911, even if no one appears to be injured, to notify the local police department about the accident. Injuries often become apparent at some point after the accident once the shock and adrenaline subside.

Step 3 – Get the other driver’s information if the accident involves another vehicle.

If police are not yet present, exchange the following information with the other driver:

- driver’s name, address, and telephone number;
- driver’s license number;
- license plate number;
- name of the vehicle’s registered owner; and
- name of the insurance company and the insurance policy number.

The police will gather similar information for the police report. Ask any witnesses for their name and contact information; this will be critically important in the event of a lawsuit.

Step 4 – File a police report.

If police do not come to the scene of the accident and take a report, go to the precinct where the accident occurred and file one yourself. Accident victims who cannot go to the precinct because of injury and who do not have someone to go on their behalf must call the precinct where the accident occurred and request that a police officer visit to their home or hospital bed to make a report. Under all scenarios, cooperate with the police by providing as much information about the accident as possible.

Find out your accident or aided police report number, along with the name and badge number of the police officer or person who takes the report. Police reports usually are complete several days after an accident and should be picked up as soon as possible.

Step 5 – Seek necessary medical help.

Let the police know of any injuries or suspected injuries. If there is no need for an ambulance, go to the nearest hospital to be examined. Accident victims frequently go into shock or are dazed after an accident. A hospital visit will ensure an examination to identify serious injuries even if they are not immediately apparent. Passengers may feel that what they were experiencing was minor and just got a little ‘banged up.’

Carry auto insurance information into the hospital or doctor’s office. (Always keep a copy with your insurance card in your car in the event that it is needed.) If you live in a state like New York that has a no-fault law, all of your reasonable medical bills must be paid for by the insurance company of the car that was in the accident, regardless of whose fault the accident was. Keep in mind that the hospital or treating doctor will need your insurance information to bill the insurance company directly.

Step 6 – Notify your insurance company.

Notify your insurance company and file a Notice of Claim about the accident as soon as possible after it occurred. In no-fault states, forms can be claimed from the no-fault insurance company and are required to be filed with the claim within a “reasonable time” after the accident. Ask your insurance company about requirements for filing an accident report with the state Department of Motor Vehicles.

Step 7 – Consult with a personal injury attorney.

A personal injury lawyer will know all of the necessary steps to take to protect an injured person's legal rights, including a course of action if the other driver is uninsured. Depending on the insurance status of the other driver, there may be only a short time to file a Notice of Claim with your own insurance company or the Motor Vehicle Accident Indemnification Corporation in New York, before your chance to bring a lawsuit is lost. In New York State, for example, the accident must be reported to the police department within 24 hours, and the claim itself must be made within 180 days after the accident.

Working with a competent accident attorney protects one's rights as an injured victim and increases the likelihood that an individual will be fairly compensated for injuries, disabilities, loss of earnings and loss of the ability to earn a living in the future, in addition to loss of quality of life, loss of ability to enjoy life and even loss on the part of a spouse for injury to their husband or wife.

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About Dansker & Aspromonte Associates:

Dansker & Aspromonte Associates is a New York personal injury law firm specializing in motor vehicle accidents; slips, trips and falls; medical malpractice; brain injuries; and more. The firm has represented thousands of clients and obtained hundreds of millions of dollars on their behalf.