

DRIVE CAREFULLY AND PREVENT ACCIDENTS

You can avoid many accidents by simply using common sense. Make sure your automobile is always in good mechanical condition. Obey the rules of the road, keep a safe distance from other vehicles, and don't speed. Never drink and drive. Always wear your safety belt. Drive defensively, always keeping alert to what other drivers might do. The members of the Wisconsin Association for Justice want you to avoid the need for a lawyer by having a safe and happy trip.

• • •

The Wisconsin Association for Justice provides this document as a public service to the insurance consumers of Wisconsin. This document does not provide legal advice; always speak to a lawyer if you have a legal question or if you have been hurt in an accident. The members of the Wisconsin Association for Justice are determined to do everything in their power to advance the law, educate consumers about their rights, and assist injured people. This document represents an effort in that direction.

BROUGHT TO YOU BY:



14 W. Mifflin, Suite 207, Madison, WI 53703
(608) 257-5741 • email: waj@wisjustice.org

PROVIDED BY:

RohdeDales LLP
Attorneys and Counselors

**909 N. 8th St. Suite 100
Sheboygan, WI 53081**

920 458-5501

www.rohdedales.com



**What
to Do...
If You Are
In a Traffic
Accident**



IF YOU ARE IN AN ACCIDENT INVOLVING INJURIES OR PROPERTY DAMAGE, THERE ARE BASIC GUIDELINES YOU SHOULD FOLLOW

1. DON'T LEAVE THE SCENE OF THE ACCIDENT.

Wisconsin law requires the driver of a vehicle involved in an accident resulting in personal injury, death, or property damage to stop his/her vehicle at the scene of the accident.

2. ASSIST THE INJURED.

Check for injured persons. If someone is seriously injured, call 911 immediately and request emergency aid. Make the injured person comfortable, but do not move the person unless you are skilled in giving emergency care or it's absolutely necessary to avoid further injury. Good intentions on your part could result in further injury to the victim.

Any person who gives first aid or emergency assistance at the scene of an accident in good faith is protected by Wisconsin's "Good Samaritan" law and cannot be liable for providing emergency care.

3. WARN OTHER DRIVERS.

Make every effort to warn other drivers of the accident to prevent additional accidents. At night, use available flares, reflectors or flashlights.

4. CALL AN OFFICER.

Wisconsin law requires the driver of a vehicle involved in an accident resulting in personal injury, death, or property damage of \$1,000 or more, or \$200 for government property (except motor vehicles), to immediately notify the local police department, sheriff, or highway patrol of

the accident. Failure to report an accident may result in the revocation of your driver's license. Even if there are no apparent personal injuries, it is advisable to give this notice immediately. Injuries often show up later, and it is important that an officer investigate the accident promptly. Report any injury you have suffered. If you do not request an investigation, you may seriously damage your chances of obtaining full compensation or may be blamed for an accident that is not your fault.

5. ASSIST THE OFFICER.

Remain at the scene, unless injured, until the officer arrives. Cooperate with the officer by relating the basic facts of the accident. Explain what happened. Be complete and accurate. Avoid jumping to conclusions about who was at fault. Avoid talking about the accident with persons other than the investigating police officers. If it is a serious accident, consult a lawyer who handles accident cases as quickly as possible.

6. IDENTIFY THE OTHER DRIVER.

Obtain the other driver's name, address and license plate (vehicle registration) number. Ask to see the other driver's license. Wisconsin law requires exchange of this information among all parties involved in an accident. It is also highly recommended that you get the name of the other driver's insurance company or agent. Keep a pencil and pad with this brochure in the glove compartment of your automobile.

7. OBTAIN NAMES & TELEPHONE NUMBERS OF WITNESSES.

Often, by the time the police arrive at the accident scene, witnesses to the collision may be gone. Therefore, obtain the name, address, and phone number of any witness(es) as soon as you can. Witnesses and others at the scene might have information about the circumstances of the accident.

8. KEEP A RECORD OF THE ACCIDENT.

If you are involved in an accident where a law enforcement agency has not filled out an accident report, you will be required to complete a "Driver's Report of Accident" form within ten days of the accident if the accident resulted in personal injury, death, or property damage of \$1,000 or more, or \$200 for government property. To aid you in completing that form, fill out the Accident Information Form in this brochure. You can also download an accident form from the Department of Transportation's website, www.dot.wisconsin.gov

9. DO NOT ADMIT GUILT.

A ticket or an arrest at the scene of the accident does not necessarily indicate liability. A plea of no contest followed by a conviction in connection with a traffic accident cannot ordinarily be used against you later in a suit for damages. A plea of guilty, however, and conviction may be used against you. It is important that you contact a lawyer who handles accident cases as soon as possible before admitting any liability or guilt.

10. OBTAIN MEDICAL TREATMENT.

If you believe that you have been injured in the accident, go to the nearest emergency room or to your personal physician as soon as possible after the injury to have the injuries checked by a competent health care professional. In order to insure proper medical treatment, be sure to disclose all injuries to the doctor, no matter how minor. Be sure to seek follow-up treatment, as necessary, if the injuries do not heal within a short time.

11. OBTAIN AN ACCIDENT REPORT.

A copy of the accident report can generally be obtained from the investigating officer's police department within days of the accident. Within ten days after the accident, the investigating officer will forward a written accident report to the Wisconsin Department of Transportation. A

copy of this report can be obtained for approximately \$6.00 from the Department's Accident Records, (608) 266-8753. (It is an automated system.) The records are kept for four years.

12. COMPLY WITH FINANCIAL RESPONSIBILITY LAW.

Shortly after a reportable accident, the Department of Transportation will contact the driver by mail requesting proof of financial responsibility. Cooperate with them to provide the information.

Beginning in June 2010, all drivers will be required to purchase automobile insurance.

Failure to do so can result in a fine of up to \$500. Remember to always carry your insurance card in your car otherwise you could face a fine of \$10.

The mandatory insurance requirement means every motor vehicle owner or registrant of a motor vehicle licensed in this state must purchase automobile insurance. **The minimum liability coverage required is \$25,000 for injury or death to one person, \$50,000 for injury or death to more than one person, and \$10,000 for property damage.**

Given increased health care costs, this amount may not be enough to cover an accident. Ask your agent how much it would cost to increase your insurance limits. The extra protection it buys could be very important to you and your family. Failure to carry insurance may result in your being personally responsible for the damages caused by the accident if responsible for causing the accident. It may also cause the revocation of your driver's license and vehicle registration.

13. INFORM YOUR INSURANCE COMPANY.

Make a complete report of your accident to your automobile liability insurance company. Failure to make a prompt report may void your insurance coverage.

If you have medical expenses resulting from your accident your health insurer cannot refuse to pay them. They may be reimbursed if you are entitled

to recover from the policy of the motor vehicle you were driving or riding in, and/or from your own motor vehicle policy under its medical payments coverage. If you have any insurance providing medical or disability coverage, you should also notify the company of your accident and injury and file appropriate claims.

14. PAY NOTHING.

Your insurance company is responsible for making payments on your behalf "up to the policy limits of your coverage." Make no immediate payment to the other party nor promise to make a payment. If you make any payments without your company's approval, it may refuse to provide coverage for those payments. The other driver cannot force you to make any payment without legal proceedings, nor can your motor vehicle be held without legal action.

15. SEEK PROFESSIONAL ADVICE.

Shortly after the accident a claims adjuster will be assigned by the other driver's insurance company to gather information in regard to the accident. It is common for the adjuster to ask an injured party to give a written or recorded statement as to how the accident occurred and also to seek medical information from you.

Prior to discussing such matters with the other driver's insurance carrier, contact an attorney to discuss your rights in this situation. You can then decide how you want to deal with the other driver's insurance carrier.

16. SELECT A LAWYER WHO UNDERSTANDS THE LAW.

If the other driver is at fault for the accident, you may have a right to receive compensation from the other driver's insurance company for any personal injuries or property damage. Be cautious in dealing with persons offering to adjust your case or hurry you into a settlement. No settlement should be made until you are

certain of the nature and extent of your injuries. Consult with your doctor on the long-term consequences of your injury. Be sure a settlement fairly compensates you for permanent injuries and damages, including any loss of income and pain and suffering. Once a claim is settled, it can never be reopened.

If you are uncertain whether to settle, seek the advice of a lawyer who handles accident claims. That lawyer is trained to assist you in handling problems resulting from an accident. There is usually no charge to review your claim. Most attorneys handle injury cases on a contingent fee basis, meaning there is no charge unless compensation is recovered.

17. TIME FOR MAKING A CLAIM IS LIMITED.

For every injury or death claim, there is a limited period of time during which you must file your claim with the court. This is called a Statute of Limitation.

In Wisconsin, the period for bringing an injury or death claim is now (2) years from the date of the accident, but there are some exceptions. The time for filing a claim against a governmental entity may be as little as 120 days. For accidents occurring in other states, the statute of limitations may be even shorter.

The sooner you consult a lawyer following an accident, the more the lawyer can help you receive fair and adequate compensation for your injury.



ACCIDENT INFORMATION FORM
Fill out this form at the scene of the accident.
The Other Driver and His\Her Car

Name of Other Driver: _____

Street Address: _____ City _____ State _____ Zip _____

Vehicle Registration (License #): _____ Year, Make and Type of Car: _____

Name/Address of Insurance Company Covering Other Car: _____

Name /Address of Insurance Company Covering Other Driver: _____

Name/Address of Other Driver's Insurance Agent: _____

Driver's license # of other driver: _____ Had he/she been drinking? _____

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

Names and Addresses of Passengers of Other Car

Name	Address	Phone

Complete this section and diagram of what happened only if a law enforcement officer has not filled out an accident report.

Special Conditions to Note Immediately Following Accident _____

Date of Accident: _____ Time: _____ Location of Accident: _____

Direction of your car: _____ Direction of other car: _____

Direction and position of your car after accident: _____ Direction and position of other car after accident: _____

Road conditions: _____ Traffic conditions: _____ Weather conditions: _____ Traffic controls (lights, signs, etc.): _____

Nature and extent of damages and injuries: _____

Were you or the other driver turning? _____ Did the driver signal properly (arm, horn, lights etc.): _____

If at night, were car lights turned on? _____ Place of impact on other car: _____

Name and address of any wrecker that removed other car: _____

Other conditions or pertinent facts that might have bearing on the accident: _____

Use the space allowed to draw a diagram of what happened.

Use one of these outlines to sketch the scene of the accident. Write in street or highway names.

1. Number each vehicle and show direction of travel with an arrow
2. Use a solid line to show the path before the accident and a dotted line to show the path after the accident
3. Show a pedestrian by : ●
4. Show location of witness(es) by: X
5. Show a railroad by: ++++++
6. Show distance and direction landmarks.
Identify Landmarks by name or number.
7. Indicate North by arrow as: ↑

