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DUTIES AFTER AN ACCIDENT

If you are in an accident involving injuries or property damage, there are basic guidelines you should follow. These steps will help you avoid hassles with claims adjusters, and assist you in obtaining fair compensation for your injuries and damages.

If You are Injured, Obtain Medical Treatment as Soon as Possible.

Go to the nearest hospital emergency room or to your personal physician as soon as possible. An injury, if untreated, may become substantially worse. If you fail to seek treatment, or delay in obtaining medical attention, an insurance adjuster may suspect that you were not genuinely injured, and discount your claim. Even a delay of one week is often too long. Do not assume you will “be okay” – get evaluated!

Assist the Injured.

If someone is seriously injured, call 911 or the police and tell them an ambulance is needed. Make the injured person as comfortable as possible, ***but do not move him or her unless it's absolutely necessary to avoid further injury.***

Insist on a Police Investigation and Report.

In many cases, there are no witnesses and you and the other driver may have conflicting versions of how the accident happened. If you do not request a police investigation, you may seriously damage your chances of obtaining full compensation, or worse, may be blamed for an accident that is not your fault. Thus, if an accident is not your fault, insist that the police are called. This ensures that all involved drivers will be forced to document how the crash occurred before having time for “reflection.” If the “at fault” driver does not want the police called, insist that they write up an admission of fault for you right at the scene which describes how the crash occurred and their responsibility for it. This should be dated and signed by them, and should refer to the location and time of the crash. If they refuse, call the police! Police are not required, however, to do a report when there are no injuries and none of the vehicles involved has more than \$700 of property damage. They are also not required to prepare a report if the collision occurs on private property, such as in a parking lot.

Do not Move Your Vehicle while Waiting for Police to Arrive.

Unless your vehicle poses an immediate hazard to other traffic, it is important that you leave it in the same position that it came to rest after the accident. Ask the other driver not to move his or her vehicle until the police arrive. The single most important piece of evidence that the police officer has for determining fault is the position of the vehicles after the crash.

Car Photos: You should always photograph the damage to your vehicle fully before having repairs done. Carrying an “instant camera” in your glove box allows you to get photos of the other car and the scene, as well.

If You Are Injured, Tell the Police Officer.

The first record of your injuries will be contained in the investigating police officer’s report. If you fail to mention to the police officer that you were injured, it may create suspicion in the mind of the insurance adjuster (who will ultimately evaluate your claim) that you were not hurt. Ordinarily, the officer will ask if you are injured. If you are having any symptoms at all, answer “yes” and specify all areas where you are experiencing pain/symptoms, even if you do not believe your injuries to be serious. Injuries and symptoms usually worsen after you leave the scene. If the officer does not ask if you are injured, or assumes that you were not injured, let the officer know immediately of any injuries or pain. If you are in severe pain, and feel you require an ambulance, tell the police officer this, and request that an ambulance be called.

Obtain Names and Telephone Numbers of Eyewitnesses.

Often by the time a police officer arrives at the scene, witnesses to a collision are gone. Therefore, it is very important for you to identify any witnesses to the crash and that you write down their names, addresses and telephone numbers. In the event that the at-fault driver later attempts to change their version of the accident, these independent witnesses are crucial to proving responsibility for the crash.

File Your Accident Report when Required by Law.

You are not required to file an accident report when the collision is investigated by a law enforcement officer who files a report. If there is no investigation, you should file your own report, or you may do so if you disagree with the details reported by an officer. Your report, which is filed with the Washington State Patrol in Olympia, must be sent within four days of the accident, although sending it in late is better than not sending it in at all. Always keep a copy of the report sent in by you for later reference.

If You Have a Serious Injury, Do Not Try to Settle Your Own Claim.

The purpose of an insurance business is to make a profit. The insurance companies maximize their profits by paying the least amount possible. No matter how nice the insurance adjuster is, their motive is not to put your interests first. The odds are that a claims adjuster for the other driver will be assigned to your claim before you have been able to retain an attorney. This may happen as soon as a day or two after the accident. Insurance adjusters are trained to pay out the least amount they can get away with. Their objective is not to help you.

If you choose to accept a settlement for injury without seeking legal representation, you may receive a settlement that does not fully or fairly compensate you for permanent injuries and damages. Once a claim is settled, it can never be reopened. The best rule is not to sign a release for at least six months following an injury. If you’re uncertain about whether (and when) to settle, talk to an attorney who handles personal injury cases.

If you have suffered a serious injury or injuries requiring follow-up medical attention such as physical therapy, MRI or numerous follow-ups with your doctor, you should at least call to consult with, and seriously consider hiring, an attorney to represent you. An experienced personal injury attorney will generally make sure that you receive the compensation that is due you, usually more than will be offered in settlement by an insurance adjuster, even after attorney’s fees are paid. They will also typically assist you with getting your car repaired or paid for, and also assist in getting your medical bills processed. They will also be able to advise you regarding different medical treatment options, and assist you with gathering proper documentation about the crash.

Our attorneys generally handle injury cases on a contingency fee basis, meaning there is no fee unless they recover compensation for you. Upon recovery, the attorney gets a percentage of the recovery for his or her fee. You are, however, responsible for out-of-pocket expenses, called costs, advanced by your attorney. There is no charge for you to meet and discuss your claim with an attorney from our firm.

Report Your Loss to Your Insurance Company, but *Do Not Give a Statement to the Other Driver's Insurance Adjuster.*

The odds are that a claims adjuster for the other driver will be assigned to your claim before you have been able to retain an attorney. This may happen as soon as a day or two after the accident. The adjuster will usually request permission to take a recorded or written statement from you.

Whether or not you are considering hiring an attorney, you should *not* give a statement to an insurance adjuster for the other driver. Statements made can seriously prejudice your claim. This is especially true when a police report was already done. Instead, tell the adjuster that you have decided to hire an attorney and instruct him or her to refer all further questions to your attorney. Proper questions will be responded to by your attorney.

You should, however, immediately report the accident to your own insurance company. Tell them what happened, provide them with the names of witnesses and ask that a PIP [Personal Injury Protection] claim be opened to allow your medical bills to be timely paid.

Do Not Sign Medical or Employment Records Authorizations for the Other Driver's Insurance Company.

The claims adjuster may also ask that you sign a medical or employment records authorization to allow them to get your medical or wage/time loss records. Never sign such authorizations before speaking to an attorney! If you do so, the adjuster cannot only obtain your private medical records and bills, but they can also request special reports or even talk to/meet with your own doctor!

You must, however, sign a medical authorization for your own insurance company if making a PIP claim. Always keep a copy of the PIP Application and authorizations signed, and caution your company not to provide any medical or other information to the other driver's insurer without your consent.

Your Time for Making a Claim is Limited by Law.

For every injury or death claim, there is a period of time during which you must file your claim with the court or the claim will be forever barred. This time limit is called a "statute of limitations."

In Washington, the period for bringing an injury or death claim is usually three years from the date of the accident, but there are some exceptions. The period for bringing a claim for *injury* to a child does not begin to run until the child's 18th birthday. A claim arising out of the *death* of a child, however, is usually limited to three years. For accidents which occur in other states, the period may be as short as one year from the accident.

Although you may have longer to actually file your claim with the court, generally, the sooner you can consult with a personal injury attorney following the accident, the more that attorney can do to help you on your claim.

Accident Information Form

Attached below is an Accident Information Form to assist you in obtaining pertinent information. In addition to the Accident Information Form, you should keep track of all of the medical providers (including Ambulance) that treat you in any manner for the injuries you sustained in the collision. You should also keep track of any expenses you incur, such as medications, rental cars, household helpers and other expenses related to the crash or your injuries.

RESOURCES

Washington State Insurance Commissioner Consumer Advocacy Office

For questions or complaints about your insurance coverage. Complaint forms are available on-line at the website listed below.

Office of the Insurance Commissioner

P.O. Box 40256
Olympia, WA 98504-0256
360-725-7080
800-562-6900 (toll free – in Washington only)
360-586-0241 (TDD)
360-586-2020 (fax)
cap@oic.wa.gov – e-mail
www.insurance.wa.gov

Washington State Attorney General's Office

For questions or complaints about the purchase of a car or faulty repairs to a car:
Washington State Attorney General's Office
Lemon Law Administration
800 – 5th Avenue, #2000
Seattle, WA 98164
206-587-4240 (King County)
800-541-8898 (toll-free)
509-456-3124 (Spokane County)
206-464-6451 (fax)
www.atg.wa.gov/lemonlaw/

Washington State Patrol

911 (Emergency)
360-596-4000 (Non-emergency)
www.wsp.wa.gov/
For a copy of a collision report, send a letter with a \$5.00 check or money order to:
Collision Records Request Section
P.O. Box 47382
Olympia, WA 98504-7382

ACCIDENT INFORMATION FORM

Your Information

Name: _____

Insurance Company: _____

Policy No: _____

The Other Driver's Information:

Name: _____

Address: _____

Home Phone: _____

Work Phone: _____

Cell Phone: _____

Insurance Company: _____

Policy No: _____

Where did the accident take place: _____

What happened (a brief description): _____

What part of your car is damaged? _____

What part of the other car is damaged? _____

How many people were in the car(s)? _____

What are their names? _____

Was anyone injured? Who and how? _____

Are there any witnesses? Names and numbers: _____

Name of police officer: _____

Police Incident Number: _____