



## What to do After an Auto Accident— A Simple Guide to Follow

It may seem incredible, but after an auto accident, most people don't know how to record all the information to report a claim. In fact, some folks think it is as simple as saying that they had a wreck, and everything should flow automatically from there. To get the best results, you need to be prepared. If you have ever called your auto insurer to report a claim, you are aware that there are multiple questions about the facts. Here are five things you need to provide to get the best and quickest resolution of your claim.

Do not leave the accident scene until you have exchanged contact information with the other party, known as the claimant, which should include your getting:

1. The name and telephone number or e-mail address for the claimant
2. Insurance policy information for the claimant (photo of insurance card)
3. Auto registration that has the owner's name and address. Again, from the claimant driver (photo of registration), who may be different than the owner.
4. The year, make and model of the claimant's vehicle plus a plate number (photos)
5. If possible, information from the claimant's driver license (photo)

"Wow, that is a lot of stuff, and I will be stressed at the scene." All not good. Alright, use your phone to photograph this information but please be sure to keep everything in focus. Keep in mind, that it will be reviewed later by your auto insurer, so keep it readable.

Bodily injuries should be noted too. If your employee is injured from the accident, that claim should be reported to your workers' compensation carrier.

When taking photographs of the scene and the automobiles that were involved in the accident, make a full visual of what happened. Panoramic views of an accident scene are better than close ups. The same is true for automobile property damage. Getting in too tight for a shot takes away from viewing the sides and corners of the vehicle. Our best advice, stand back a few feet to have a full view.

How do I interact with police or CHP? Do your best not to fumble through your storyline, so be clear and concise about the events. Remember that anything you say can and will be used against you by the authorities, so don't guess, don't speculate and don't admit any fault. Field investigations by the authorities can sometimes be off base, so don't compound these natural mistakes by saying something unsupported by the facts that pushes them down a path toward an inaccurate conclusion.

Also, keep in mind that accidents involving property damage, such as minor fender damage, usually won't warrant a visit by the police. So calling 911 will not always get an officer to respond to an accident scene. If the local authorities do come to an accident scene, be sure to get their accident report number.

We offer our clients a basic reporting form for any type of accident or claim. It is simple to use. If you don't have the form, please contact us and we will send you one with your company's logo.

### **Witnesses:**

Independent witnesses are best. If somebody saw the accident, at a minimum, get their name and telephone number. Some adverse auto insurers like to use the "he said" "she said" argument, meaning that if there are no witnesses, neither party in the accident will be given much credit for what caused the accident. A witness can break this impasse for you.

There are several exceptions to this thought process, but rear end accidents are the best example of a storyline not meaning much to an adjuster. If you collide with the rear of another person's vehicle, typically you lose as the physical evidence speaks for itself (following too close or driving too fast for conditions in order to stop in time).

### **Post Accident Investigation/Cause Reports Prepared by your Company:**

First and foremost, do not admit to any wrong doing in your internal company incident reports. Why? Those reports are discoverable by lawyers and District Attorneys. If you don't know California law very well, you may be taking away a defense that you don't know about, so please don't dilute your defense by voluntarily accepting blame. It is perfectly fine to state the facts in your internal incident report, but don't create situations that will hurt your company.

If any disciplinary action is taken by your company against your driver, be specific. Prepare for the meeting with the employee beforehand so that you are ready to focus on specific issues. Don't sway off topic, or start discussing different issues because you feel uncomfortable. Make a list of those things to be covered and stick to it. The more direct, the better. If you have a driver/fleet policy, follow it.

## Potential Disciplinary Outcomes:

- Company vehicle is taken away for a limited amount of time (at fault accident)
- All driving privileges of company vehicles is revoked indefinitely (for serious violation)
- Driver safety course is successfully completed before the employee is allowed to drive a company vehicle again (for speeding or failing to stop violations)

## California SR 1 Form

This form must be completed and submitted to the DMV for all property damage over \$1,000 and any bodily injuries. You have ten days to complete this form. If you ignore the form and don't complete it, your employee's driver license could be suspended in the future. Go to [https://www.dmv.ca.gov/web/eng\\_pdf/sr1.pdf](https://www.dmv.ca.gov/web/eng_pdf/sr1.pdf) to complete this mandatory form.

## Unexpected Ambushes:

Let's say the civil matter has been settled by your auto insurer and they secured a general release of all claims from the claimant/plaintiff. You are feeling that everything is well behind you, and your company can now move forward with more important aspects of your business. Then your employee (driver) is charged by a County District Attorney with a criminal action. Now what?

Unless your company was charged too, your employee is basically on his own. Your insurer will usually not defend any criminal action. Accordingly, the employee will need to hire his own lawyer to defend himself at his cost. This is a chilling reality that most employees don't consider. We have seen employees charged many times and some of them have entered pleas of no contest to avoid jail. If convicted by a jury, they could serve county jail time or worse, state prison.

Driving a company vehicle is a privilege, and employees need to remember that although your insurance will protect them for most civil lawsuits, a criminal charge is a completely different story.

Also, employees should be aware that all vehicles have a "black box" that records their speed at the time of an accident. See our *Perspectives*, May 2017, Volume 4, Issue 1.

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