

# Traffic Accidents

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## **What must I do if I am involved in an accident as a driver?**

It depends on which of three situations you are in:

- 1. On a public road.** If you know that the motor vehicle you are operating is involved in a collision with persons or property on a public road, the law requires you to:
  - a. Stop and remain at the scene.
  - b. Provide information.
    - i. Give your name and address, your vehicle's license tag number, and the name and address of your vehicle's owner to any injured person, to the operator, occupant, owner, or attendant of any damaged motor vehicle, or to any police officer at the scene.
    - ii. Show your driver's license, on request, to any person injured in the accident, to the owner or operator of the damaged vehicle, or to any police officer at the scene.
  - c. If an injured person cannot comprehend and record your information, you must immediately notify the nearest police authority of the accident location, your name and address and your vehicle license plate number. You must then remain at the scene until a police officer arrives, unless you are taken away by an emergency vehicle.
  - d. If you have collided with an unoccupied motor vehicle, you must firmly attach to it in a conspicuous place your name and address, your vehicle's license plate number and the name and address of your vehicle's owner.
  
- 2. Not on a public road.** If you know that the motor vehicle you are operating is involved in a collision causing injury or damage to persons or property not on a public road, the law requires you to:
  - a. Stop at the scene.
  - b. Show your driver's license and give your name and address, your vehicle's license plate number, and the name and address of your vehicle's owner to anyone who requests it.
  - c. If the owner or person in charge of any damaged property is not given the information mentioned above (in 2 b.), you must forward it to the local police within 24 hours, along with the date, time and location of the accident.
  - d. If you have collided with an unoccupied motor vehicle, you must firmly attach to it in a conspicuous place your name and address, your vehicle's license plate number, and the name and address of your vehicle's owner.
  
- 3. Damage to property on or adjacent to a public road.** If the vehicle you are operating is involved in an accident causing damage to real property (or personal property attached to real property), and that property is legally on or next to a public road, the law requires you to:
  - a. Stop at the scene.
  - b. Provide information.
    - i. Take reasonable steps to locate and notify the property owner or person in charge of the

property about the accident, providing your name and address, and the vehicle's license plate number, even if no one asks for this information.

ii. Show your driver's license to the owner or person in charge of the property, if you are asked for it and it is available.

c. If you cannot locate the owner or person in charge of any damaged property after a reasonable search, you must, within 24 hours, give the local police your name, address, and vehicle license plate number, along with the accident location and a description of damage as you know it.

d. You are not required to attach any information to the damaged property, but it would be wise to do so.

#### **4. All accident situations.**

a. Although the law may not always require you to contact the police following a collision, it may be wise to do so, because on-the-scene police can help establish the facts of the accident (important if there is a dispute about who is responsible) and safely route traffic around the accident site.

b. Give the vehicle owner's name and address, remain at the scene, or attach a note to damaged property.

c. The law does not require you to file a crash report with the Bureau of Motor Vehicles (BMV). But a party involved in an accident may do so within six months of the accident on BMV Form 3303, alleging that a driver or owner of a vehicle in the accident was not insured. This could lead to the BMV suspending the uninsured driver's or owner's license. The form is available from insurance companies and at: [http://bmv.ohio.gov/bmv\\_forms/stm](http://bmv.ohio.gov/bmv_forms/stm) .

d. A police officer at the scene who is enforcing traffic laws must ask to see your proof of financial responsibility (insurance). If the officer gives you a traffic ticket and you do not show the officer proof of financial responsibility, you may later be able to show it to the court or the BMV. If you fail to show proof of financial responsibility and you are convicted of a traffic offense, your license will be suspended from 90 days to two years, depending on your driving record. You will also have to pay a BMV reinstatement fee and show proof of continuing financial responsibility.

e. You must cooperate with your insurance company or risk losing coverage. However, no one can force you to make a statement or admit fault at the accident scene. You may have to come to court or be subpoenaed to testify, but even then, you generally have the right to remain silent about any incriminating matters. You have a right to talk to an attorney before making any statement. If you are charged with an offense greater than a minor misdemeanor, you have the right, if you cannot afford legal counsel, to ask the court to assign you a lawyer.

#### **What should I do if I am involved in an accident?**

Here are some helpful tips:

1. Attend to the injured. Phone for medical aid immediately. Offer to help any injured persons, but do not move them in a way that would aggravate an injury. You may only be held liable for causing further injury if your actions are found to be willful or wanton misconduct.
2. Moving vehicles. Consider not moving your motor vehicle until the police arrive, unless it is creating a traffic hazard.
3. Record contact information. Obtain the name, address, phone number, license plate number, and insurance information of every person involved, and get contact information for every witness.
4. Take notes. Record the position of vehicles before, during, and after the accident. Note and measure skid marks, point of contact, structures, road markings, damage, traffic control devices, rights of way, speed, road conditions, and weather. Take photos.

5. Assist police. Be helpful to any investigating officer, but beware of making self-incriminating statements. You are not required to make any statement and you may wish to consult an attorney before doing so.
6. Insurance. Report the accident to your insurance company as soon as possible.
7. Legal advice. If you are required to appear in court on a traffic charge, you should get an attorney's advice. Do not make payments to anyone or settle a claim without legal advice. An attorney can explain your legal rights and obligations.

### **What should I do if I witness an accident?**

Pay attention and help in the following ways:

1. Attend to the injured. Phone for medical aid immediately. Offer to help any injured persons, but do not move them in a way that would aggravate an injury. You may only be held liable for causing further injury if your actions are found to be willful or wanton misconduct.
2. Record contact information. Obtain the name, address, phone number, license plate number and insurance information of every person involved, and get contact information for every witness.
3. Take notes. Record the position of vehicles before, during, and after the accident. Note skid marks, point of contact, structures, road markings, damage, traffic control devices, rights of way, speed, road conditions, and weather. Take photos.
4. Assist police. Be helpful to any investigating officer.
5. Give contact information. Give your name and contact information to the police and the parties involved in the accident.

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