



## Post-Crash Checklist: 5 Things You Need to Do After a Serious Car Wreck

If you drive a car, it's likely that you'll be involved in a wreck sometime in your life. You can — and should — drive responsibly to lower the chances of contributing to a serious accident, but it's also smart to become familiar with the steps you need to take after an accident. Following the advice we lay out below will better your chances of obtaining a favorable settlement if you're in an accident.

**1. Call the authorities.** It's smart to call the authorities after even minor wrecks. Your insurance provider might refuse your claim if you didn't obtain a police report. Texas law requires drivers to call the police or sheriff's department if an accident:

- Results in injury or death
- Renders a vehicle inoperable
- Involves someone you suspect may be under the influence

Do *not* leave the scene of the accident if you aren't seriously injured; doing so could result in criminal charges. You should strongly consider calling for an ambulance regardless of how serious you think your injuries are. Symptoms of some injuries don't present for hours or days after an accident. If you are unharmed, you're obligated to provide reasonable assistance to any injured parties. As long as you are able and it is safe to do so, move your car away from the road — but not before taking pictures of the scene.

**2. Begin gathering evidence.** As quickly as possible, start documenting the accident and its surrounding conditions. We recommend taking as many photos as you can, from every angle possible. If there was a hazard that you think contributed to your accident (debris in the road, for example), be sure to get photos. Get accounts of the accident from any witnesses, in addition to witnesses' contact information.

If the wreck caused injuries or property damage to a car, you're generally required, under Texas law, to provide your name, contact information, and insurance policy information to the other driver. You should get as much information on the other driver as you can, even if he or she doesn't have insurance or wants to settle outside of the claims process.

*Note: When interacting with the police, paramedics, other drivers, or witnesses, do not say anything that would indicate fault on your part. Even seemingly benign statements like, "I'm sorry, I didn't see you," can be used to cast blame on you for the wreck. The law requires you to give other drivers your insurance information and provide the police with your name, driver's license, and proof of registration and insurance. Beyond that, it's best to let the process play out and decide who was actually at fault.*

**3. Notify your insurance company of your accident.** There is no statutory (required by law) period in which you must contact your insurance provider of your accident. Almost every policy, however, requires holders to notify the provider in a "reasonable" or "sensible" amount of time. This wording, by design, provides a gray area through which insurance companies occasionally deny claims on the basis that the claimant didn't act quickly enough. So, without taking the time to read through every line of your insurance policy, it's safe to assume that you need to call your insurance company as soon as you can.

When you're speaking with your insurance company, stick to the verifiable facts. In other words, give a dry, facts-only account of what happened. Steer clear of speculation or accusations you can't back up with evidence.

Our firm strongly recommends hiring a quality personal injury attorney before speaking to the other driver's insurance company. Texas law allows drivers who are 50 percent or less at fault for an accident to recover damages (compensation) after an auto accident. Insurance companies are well aware of the law and how it can impact insurance claims. If there is a chance that any blame could be placed on you, the other insurance company will try to get you to admit it. Even if you were clearly less than 51 percent at fault for your accident, expect the other driver's insurance company to exhaust every effort to reduce its policyholder's potential payout.

***Okay, but how do I know which insurance policy will actually pay my claim?*** The answer to that question depends on several factors. If there is a question about fault, your attorney might need to bring in experts (like crash reconstruction professionals) to settle the issue. Texas law requires licensed drivers to carry a certain amount of insurance coverage. The at-fault driver's insurance policy will typically pay out first. If the at-fault driver doesn't have insurance, your uninsured/underinsured policy (if you have one) can help out. There are a variety of other supplemental policies you can add to ensure you won't be holding the bag for someone else's carelessness.

**4. Go to follow-up appointments with your doctor, physical therapist, chiropractor, and other medical professionals.** If you're treated for injuries after your accident, you may not be done with those doctor visits the same day. Regardless of how you feel, neglecting to follow your doctor's recommendations could result in permanent damage to your body. After each follow-up appointment, be sure to save your bills and receipts. You need proof of your expenses to recover from insurance companies or the other driver.

If you're out of work, gather pay stubs for work you performed prior to your wreck. This will give insurance companies, your attorney, and other parties an idea of your lost income. Keep notes of your interactions with insurance providers, including the nature of your conversations.

**5. Be patient, and don't lose hope.** It might seem like you and your attorney are the only ones who actually want you to get the compensation you deserve after an accident. It can be extremely difficult to sit at home and lose work while insurance companies slow-walk your claim. Things can be made worse if your claim is denied or the insurance company offers to pay a staggeringly low amount.

The Law Offices of S. Dylan Percy, PLLC has dealt with plenty of insurance companies. Many times, simply retaining an attorney is enough to spur an insurance provider to pay accident victims or the loved ones of victims. If you aren't getting justice, though, we are prepared to take a more active role in your case. If necessary, we'll file a lawsuit against any responsible parties. Simply put, anything we need to do to take care of the situation is what we'll do.

For help with the aftermath of a serious or catastrophic car accident, call our office at (210) 686-4878 or fill out a form on our website. Our team stands ready to guide you through these difficult times and help you realize a better future.