

# The Law Office of David S. Albrecht

## Traffic Accidents Information

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

A.: Any time a motor vehicle you are operating is involved in a collision on a public road in Ohio, the laws require you to do the following:

1. Stop your vehicle immediately.
2. Give your name, address and (if you are not the owner of the motor vehicle) the owner's name, as well as the registration number of the motor vehicle, to: any person who is injured; the occupant, owner or attendant of any damaged motor vehicle.

*The law does not require you to call the police in the event of an accident, provided no one is obviously injured. Likewise, the police are not required by law to investigate a non-injury accident if they are called. If, however, the police do investigate, they must report the results of their findings.*

### **Though the law does not require you to contact the police following a non-injury accident, you should do so, for several reasons:**

1. On-the-scene police can help establish the facts of the accident if there is a dispute about who is responsible for damages.
2. Some injuries may not be obvious until several days after the accident.
3. Police can help route traffic around the accident site, increasing safety for the parties involved in the accident and for other drivers.

If someone has been injured in the accident to the extent that he or she is unable to understand and record insurance information, etc., you must notify the nearest police authority. You must remain at the scene of the accident until a police officer arrives, unless you are taken away by an emergency vehicle.

If you collide with an unoccupied motor vehicle, you must attach the required information firmly to the motor vehicle, in a conspicuous place.

If you are involved in an accident on or next to a public road or highway that results in damage to real property, or to personal property attached to real property, you must give the required information to the owner or person in charge of the property. You also must show your driver's license if you are asked and it is available. If you do not give the information to the owner or person in charge of the property, you must, within 24 hours, forward this information, along with the accident location and a description of the damage (as much as you know) to the police department of the city or village in which the accident occurred, or, if it occurred outside the corporate limits of a city or village, to the sheriff of the county in which the accident occurred.

Aside from an accident report that may be filed with the local police, and providing both parties are insured, neither party is required to file a report with the Bureau of Motor Vehicles (BMV). However, if a motorist is involved in an accident and has reason to believe the other party was not insured at the time of the accident, that motorist has six months to file a BMV (Form 3303) "crash" report and to allege that the other party was not financially responsible (covered by insurance). After the report has been filed, the other party is contacted and must prove he or she was financially responsible at the time of the accident. These forms are available on the BMV Web site at: [www.bmv.ohio.gov/pdf\\_forms/3303.pdf](http://www.bmv.ohio.gov/pdf_forms/3303.pdf). You can also get Form 3303 through insurance companies and independent agents.

*(Remember: No one may force you to give opinions of the cause of the accident, either on the scene or at the police station. No one can force you to admit blame. You have a right to see an attorney before making any statement.)*

### **Helpful tips for drivers**

- If possible, do not move your motor vehicle until the police arrive. Do not, however, leave your vehicle on a road in a position that creates a traffic hazard that might cause another accident.

- Obtain the names and addresses of the drivers of the other motor vehicles involved. You should also get the names and addresses of all passengers in the other motor vehicles and of all persons who may have been witnesses. If you cannot obtain the names and addresses of witnesses, try to obtain the license numbers of their vehicles.
- Take notes of the circumstances of the accident. Give the position of the vehicles before, after and at the time of the accident. Step off skid marks, locate the point of accident if you can and note other structures or markings that may be relevant.
- Assist the investigating officer, but do not give any opinion as to the cause of the accident unless you are absolutely sure your opinion is correct. You are not required to give any information other than that outlined earlier.
- Try to make seriously injured person comfortable and phone for medical aid immediately. Do not move injured persons in any way that would aggravate an already serious injury. If you think you or your passengers may have been injured, you and/or they should consult a doctor immediately.
- Report the accident to your insurance company as soon as possible.
- If you are required to appear in court on a traffic charge, you should obtain the advice of an attorney.
- Make no payments to other persons without legal advice, and do not hurriedly accept a settlement of a claim you may feel you have. An attorney can explain your legal rights and obligations.

**Q.: What should I do if I witness an accident?**

A.: The law does not require you to do anything about an accident in which you are not involved. However, witnesses are often in a better position to relate the facts and circumstances surrounding an accident than the persons involved.

- Offer help to any injured persons. If you offer to help any injured persons, be careful not to cause further injury. You do not need to let undue concern about causing further injury prevent you from helping, however. Under Ohio law, you will only be held liable for causing further injury if your actions are found to be willful or wanton misconduct (ORC 2305.23).
- Obtain the names and addresses of the parties to the accident and other witnesses and license numbers of all motor vehicles near the accident.
- Make notes about the accident. Note the position of the vehicles before, after and at the time of the collision. Note who had the right of way, the color of the traffic light, if any, and/or the relative speed of the vehicles. Step off skid marks, locate the point of impact if you can and note any other structures or markings that may be helpful.
- Give your name to the police and to the parties involved in the accident. Although a very small number accidents result in lawsuits, in most of those that do, the parties and their attorneys find it difficult to obtain the cooperation of independent witnesses. Objective, honest testimony by independent witnesses is essential to our legal system. Often the parties and their attorneys will have no facts on which to make a decision as to their position unless an independent witness comes forth. The lack of such help may prevent a seriously injured person from receiving just compensation or may result in the responsible person unjustly receiving compensation.

**The information contained in this pamphlet is general and should not be applied to specific legal problems without first consulting an attorney.**