

# What To Do First if You Are Involved in a Car Accident in North Carolina

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**As a result of 'stay at home' orders and other social distancing guidelines to help stop the spread of COVID-19, fewer North Carolinians are driving.**

In fact, recent news stories report that some car insurance companies are reducing premiums because of fewer drivers on the road and fewer accidents. Some people still

are required to drive because of essential business obligations or other commitments. And, eventually, life will get back to normal. Unfortunately, whenever there are drivers on the road, accidents can happen. A car accident can be an incredibly scary situation, even when there are no injuries. If there are serious personal injuries, it becomes even more important to take steps to ensure you get the necessary medical care and that you protect your legal rights. Below is a list of some of the first steps to take if you are injured in a car accident due to someone else's fault:

## 1. Get the Medical Care You Need.

The most important thing to do if you are injured in a car accident is to seek medical attention immediately. This includes EMS and Emergency Room care immediately after the wreck. If the Emergency Room physicians recommend following up with your primary care doctor or another medical provider, do so as soon as possible. Insurance companies are notorious for refusing to cover damages for injuries when the medical care was "delayed," or there is a "gap" in treatment. Also, make sure you seek other medical care for other injuries or symptoms that appear later or do not go away. It is very common for some injuries not to be apparent immediately after the wreck in the midst of adrenaline and shock. Finally, certain types of injuries—particularly head injuries—often go undiagnosed and untreated. It is important to communicate all your symptoms to your medical providers and to be an advocate for your own medical care. The most important goal when a car wreck causes injuries is making sure you get better if possible—no matter how long it takes.

## 2. When You Obtain Medical Care, Use Your Health Insurance.

Some people get confused and think they should not use their own health insurance because the car accident was someone else's fault. Or, they try to give their medical providers the car insurance information for the at-fault driver. We always recommend to our clients that they submit their personal

health insurance. Doing so helps prevent medical bills from piling up. This is particularly true when it may be months (or in extreme cases, years) before a personal injury case is resolved with the at-fault insurance company, and all damages are paid. And, health insurance opens treatment doors and ensures that you can access all necessary medical care. Again, the most important thing is getting the necessary medical treatment and getting better. Health insurance helps that process.

### **3. Report the Accident to the Appropriate Car Insurance Companies.**

Of course, the first step is to report a car accident to law enforcement. (In fact, North Carolina law requires reporting wrecks involving injury or death to law enforcement.) Doing so ensures that the accident is investigated and documented (in the form of an Accident Report), and additional first responders can provide assistance. In addition to reporting the wreck to law enforcement, as soon as it is safe to do so, report the accident to the appropriate insurance companies. An injured driver should report the accident to both their insurance company and the at-fault driver's insurance company. Even though the at-fault driver's liability insurance company (if they have insurance) will be responsible for any damages, your insurance company may be responsible for certain types of insurance payments, such as medical payments coverage (if you have that benefit on your policy) or uninsured/underinsured motorist coverage (if the at-fault driver did not have insurance or had minimal insurance). Also, you may be able to have your own car insurance company pay for your property damage (i.e., pay you the fair market value for your car (if totaled) or pay to have the car repaired) if the other party's insurance company is being slow or non-responsive. This should not affect your own insurance premiums since your insurance company will seek reimbursement from the other driver's insurance company.

Importantly, it typically is best not to agree to provide a "recorded statement" to the insurance companies about how the accident happened, or provide details about your injuries or medical treatment. Limit the discussions to reporting the accident and beginning the process to address the property damage claim. If you retain a lawyer, they can help communicate other necessary information to the insurance company. Doing so helps prevent portions of your statement from being taken out of context later.

Note that other insurance companies may be involved as well, such as when the at-fault driver was driving someone else's car, or when they were driving in the course and scope of their employment. However, an experienced personal injury attorney can assist with this process. Potentially finding other sources of insurance (including underinsured motorist/UIM coverage) actually is one of the greatest benefits an experienced personal injury attorney can provide.

### **4. Begin Addressing Your Property Damage Claim.**

If your injuries are such that you can get back to driving fairly soon, you will need a vehicle. If your car is totaled, you will need a new car. If the vehicle can be repaired for less than 75% of its fair market value, the liability insurance company will be responsible for the costs of repair. In the interim, you will need a rental car. If your vehicle sustains substantial damage but is still repaired, it could be worth less when you later sell or trade your vehicle (diminished value), and the insurance could also be responsible for this element of damage. It is important to report the accident to the insurance companies and get the property damage claim moving as soon as it is practicable after the wreck. It typically is fine for individuals to handle the property damage claim themselves (without a lawyer). A property damage claim can be settled without any effect on the personal injury (or bodily injury) claim. Still, most personal injury attorneys should assist with the property damage claim at no charge.

## 5. Document the Process.

Make sure to keep track of all information and documents related to the wreck, as well as all your damages. If you can, take photos of your injuries and your vehicle. Keep all documents related to the property damage claim, as well as your medical treatment (bills and any initial records). Keep track of time missed from work and any out-of-pocket expenses from the wreck. All of this should be compensable as part of your claim. An attorney can help with this process, as well. But, the more you can maintain basic documentation of that happened and what you are going through, the better.

## 6. Speak To An Attorney Early.

These can be complex cases. Medical issues, insurance coverage, anticipating and responding to legal defenses—all these are the role of an experienced attorney. If litigation is necessary, an experienced personal injury attorney can file your case and fight for you—all the way to a jury trial if necessary. An insurance company also is going to take a claim much more seriously if it is backed up by a skilled attorney who will file a lawsuit if the insurance company does not pay fair compensation. Simply put, involving an experienced, committed attorney will ensure that you protect your rights and also receive guidance through a challenging, and often complex, situation.

### Conclusion

Sadly, North Carolinians are injured in car accidents every day through no fault of their own. When that happens, it is important to know what to do to help ensure you get the best medical care possible and to help protect your legal rights. While contacting an experienced personal injury attorney immediately is the best approach, the above list will help ensure that you are doing all you can to protect your right to fair compensation under our legal system.

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