B & D LAW GROUP APLC

FREE COMMUNITY WORKSHOP

# After the Crash

What to do in the first minutes, days and months after an accident in California



Attorney advertising. Informational only, not legal advice.

# Why we are here

- Crashes happen fast. The decisions that follow can shape your recovery and your claim for years.
- Most people have never dealt with an injury claim before.
- Today: what to do at the scene, what to do after, the deadlines that matter, and how insurance works.
- This is general information, not legal advice for your situation.

STEP 1

# At the scene

- Check for injuries. Call 911 if anyone is hurt.
- Move to safety if you can. Hazard lights on.
- If anyone is hurt, the law requires you to stop and help get them care.
- Stick to facts. Do not argue about fault.

THE LAW

Veh. Code §§ 20001, 20003: drivers in an injury crash must stop, exchange information and give reasonable help.

STEP 2

# Exchange and document

## Exchange

- Name and address
- Driver's license number
- VIN and owner's address
- Insurance company and policy number

## Photograph and record

- Every vehicle and plate
- The scene, signals, road conditions
- Your injuries
- Witness names and numbers

Veh. Code § 16025

STEP 3

# Get checked, even if you feel fine

- Some injuries, like whiplash and concussion, show up hours or days later.
- Tell the provider exactly how it happened and everywhere it hurts.
- Follow the treatment plan. Gaps in care are used to argue you were not really hurt.
- Keep every bill, receipt and record of missed work.

# The deadlines that matter

## 10

### days

DMV form SR-1 if anyone was hurt or killed, or one person's property damage was over $1,000.

Veh. Code § 16000

## 6

### months

Written claim if a city, county, state or transit agency was involved.

Gov. Code § 911.2

## 2

### years

Most injury lawsuits. Vehicle damage: 3 years.

Code Civ. Proc. §§ 335.1, 338(c)(1)

# How insurance works in California

- **Minimum coverage is $30,000 per person, $60,000 per accident, $15,000 property damage.** Serious injuries can exceed that. (Veh. Code § 16056)
- **Uninsured motorist coverage** comes with your policy unless you removed it in writing. It can protect you when the other driver has no insurance. (Ins. Code § 11580.2)
- **Shared fault does not end a claim.** California reduces recovery by your share of fault. (Li v. Yellow Cab Co.)

# Your rights with the insurance company

- **You choose the repair shop.** (Ins. Code § 758.5)
- **The insurer must acknowledge your claim within 15 days** and accept or deny within 40 days after proof of claim, or explain in writing why it needs more time. (10 CCR §§ 2695.5, 2695.7)
- **A total loss offer must be based on a comparable car** and include taxes and fees. (10 CCR § 2695.8)
- Trouble? CA Department of Insurance: **1-800-927-4357**

# Common mistakes

- Skipping the doctor because you feel okay
- Giving a recorded statement to the other driver's insurer before knowing your rights
- Signing a release too early
- Posting about the crash on social media
- Missing the 6-month government claim deadline
- Throwing away bills and receipts

# Special situations

## Uber and Lyft

From the moment a ride is accepted until it ends, at least $1,000,000 in liability coverage is required. (Pub. Util. Code § 5433)

## Dog bites

California owners are liable for bites in public places or where the person was lawfully present. (Civ. Code § 3342)

## Hurt at work

Workers' comp does not bar a claim against a third party, like another driver. (Lab. Code § 3852)

# Questions

## Thank you for having us.

Take a free glovebox card on your way out. It has the scene checklist and key deadlines, and it comes in English and Spanish.

FREE CONSULTATION

**(888) 977-2238** | bdinjurylawgroup.com | Se habla español

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