

[> MEMBER RESOURCES](#)[> PUBLIC SERVICES](#)

[Ask A Lawyer](#)
[Find A Lawyer](#)
[Free Legal Clinics](#)
[Free Publications](#)
[LawLine](#)
[Law Related Education](#)
[Pro Bono Resources](#)
[Resources](#)
[Legal Assistance for Military Personnel](#)

[> CASEMAKER](#)[> BAR FOUNDATION](#)

[home](#) < [public services](#) < [current page title goes here](#)



Free Publications

Auto Accidents and the Law

Be Prepared

Because accidents happen to even the best of drivers, everyone should be prepared to do the right things immediately afterward. Many legal troubles arising from accidents could be avoided if the persons involved knew what they should do.

Call a law enforcement officer Notify the local police department of the accident if it occurs in the city. If the accident occurs outside city limits, notify the County Sheriff's office or the South Carolina Highway Patrol. Even in minor accidents where there are no serious injuries or property damage, notify the authorities immediately. An officer's official report may assist you later if a claim for liability is filed.

What to do at the scene of the accident?

In South Carolina, drivers involved in an auto accident where a person is injured or property is damaged must stop their vehicles at the scene of the accident or as close as possible without obstructing traffic.

If someone is seriously injured, make arrangements for a doctor to come to the scene or call an ambulance. It is best not move an injured person. Good intentions on your part may result in further injury to the victim.

Take all possible precautions to prevent further accidents and ensure the safety of those involved. Station someone to warn any approaching vehicles and, if at night, use flares and reflectors. Use a flashlight if no flares or reflectors are available.

Obtain names of witnesses

Get the names and addresses of any and all witnesses. After writing down the names and addresses of any witnesses, try to get statements from them as to what happened. If they will, have witnesses write down this information at the scene.

The investigating officer will also obtain this information. Always have a pencil and pad, as well as this pamphlet, in your car.

Take notes on the accident

Make your own written notes on all significant circumstances concerning the accident. Complete the accident information form in this pamphlet.

Remain at the scene

Unless injuries make it necessary for you to leave the scene of the accident, remain there until you have completed all of the following procedures:

- Call the police or highway patrol;
- Assist the injured;
- Move your vehicle to the side if obstructing traffic;
- Identify the other driver;
- Get names, addresses and statements of witnesses;

- Make notes and fill out the accident information form in pamphlet; and
- Make a diagram of the accident.

Commenting on the accident

South Carolina law requires the driver of any vehicle involved in an accident to give his or her name, address and the registration number of the vehicle he or she is driving and to show his or her driver's license. Every law enforcement officer who investigates an auto accident must file a written report. You are obligated by law to assist any officer in this investigation by answering questions and discussing the circumstances. Be aware that any statement can be held against you. You should not admit or sign anything even if you think you are in the wrong. You may learn later that you were not at fault or that the other driver was equally at fault.

File Reports

South Carolina requires drivers or owners of cars involved in accidents to report the accident within 15 days to the South Carolina Department of Transportation. The investigating officer will give you a form (FR-10) to fill out to prove that you have the proper liability insurance.

Notify your insurance company

Report the accident to your insurance company. Failure to make a prompt and correct report may affect your rights. If you were injured, notify the company issuing the applicable insurance (accident insurance, hospitalization, etc.) After the accident you have a duty to cooperate with your insurance company; however, you have no duty to give statements or sign any forms given to you by any of the other drivers' insurance companies.

Remember, any statement may be used as an admission of fault. Be cautious in dealing with persons offering to adjust your case or trying to hurry you into a settlement. Once a release is signed, it is very difficult to reopen a case. If the other party or the opposing insurance company offers a settlement or asks you to sign a release, you may wish to consult a lawyer. You can lose valuable rights in signing a release.

Pay nothing

Do not make or promise to make immediate payment of any kind to the other party. Any such payment would be at your own risk. The other driver cannot force you to make any payment without legal proceedings, nor can the other driver hold your car without legal action. Keep records of all expenses associated with the accident, including doctor bills, time lost from work and any other expenses. Save copies of all bills.

Accident Information Form

Name _____

Street address _____

City _____ State _____ Zip _____

Vehicle registration/ year/license number _____

Make/model of car _____ Year _____

Does driver appear to have been drinking? _____

Any statement made by other driver as to cause of accident:

Passengers in Other Car:

Name _____

Address _____

Name _____

Address _____

All Possible Witnesses to Any Fact:

Name _____

Address _____

Name _____

Address _____

Conditions Noted Immediately after the Accident:

Position of your car after accident _____

Position of other car after accident _____

Location of any tire marks, blood, broken glass, dirt, etc. on road
or side of road _____

Location of point of impact in relation to center of road or some physical
object _____

Did your car skid? _____ If so, how many feet? _____

Did other car skid? _____ If so, how many feet?

The following should be filled out at the scene or shortly after leaving the
scene.

Date of accident _____ Time _____

Location of accident _____

Type of road (grade, curve, etc.) _____

Speed of your car just before accident _____

Speed of other car just before accident _____

Direction of your car _____

Direction of other car _____

Were you turning? _____

Was other driver turning? _____

Did the other driver signal properly (with arm, horn, lights, etc.)?

If at night, were other vehicle's lights on? _____

How far away from you was the other car when you first saw it?

Other pertinent facts _____

Copyright © 1999 South Carolina Bar