

9 Ways to Survive Your Winter Accident

Kevin's morning was bad from the start. To start, he woke up later than he should have. He must have hit the snooze button without even realizing it. When his alarm finally went off, he looked at the clock and fumbled out of bed, stumbling toward the shower. His wife, still in bed, groaned as he stomped around in the dark. Then, for whatever reason, his shower seemed colder than usual. It seemed like nothing was quite like the warm, comfort of his bed.

Kevin continued with his morning routine as usual, but everything seemed just a little off as he rushed to complete everything in half the time. He brushed his teeth furiously, threw on his clothes, and tied his shoes in a mad scramble. He even ditched checking the news as he ate his breakfast in quick swallows. He made for his car, realizing as he pulled out of his garage that it had snowed quite a bit the night before and was *still* snowing softly. This would probably make him even later. Kevin shivered and turned up the heater full blast and began to drive down his street, only realizing halfway down the road that he had forgotten his lunch.

The highway entrance was unusually busy this morning, likely from the ice and snow. The roads had been plowed, but the continued snowfall left a small slice of leftover snow and ice remaining on the ground. Kevin shook his head impatiently as he tried to merge onto the crowded freeway. It's like everyone forgets how to drive when it snows! He flipped on the radio and listened intently for the morning traffic report.

A few miles down the highway, Kevin was pleasantly surprised that traffic was moving more quickly than expected. Maybe he wouldn't be as late as he previously thought. His car zoomed down the freeway, slowing occasionally with traffic. Kevin was sure to maintain a good stopping distance in case someone were to stop abruptly. Glancing in the rear-view mirror, Kevin noticed the person following behind him was a little too close for comfort. If Kevin had to suddenly stop, the guy behind him would slam right into him.

The snowfall on the freeway began to intensify, making visibility difficult. Kevin slowed and drove even more cautiously. All of the sudden, Kevin saw the red flash of brake lights in front of him. Kevin instinctively pressed his break and slowed to a halt behind the car in front of him. But to his horror, he felt a sudden jerk as the car behind him slammed into his car.

Accidents can happen in a split second. They can happen to anyone, almost anywhere. In fact, according to the car insurance industry, the average driver will file a claim for a collision about once every 17.9 years.¹ This means, during your driving lifetime, you can be expected to have about three or four accidents. For many drivers then, it is not a question of if, but when.

Car accidents happen for a variety of reasons. In fact, no two accidents are exactly the same. There are details and factors that contribute in unique ways. The purpose of this guide is to help accident victims. Whether this is for someone who would like to know what to do in the event of a future accident or after an accident has occurred.

¹ Toups, Des. "How Many Times Will You Crash Your Car?." *Forbes*, 27 July 2011, <http://www.forbes.com/sites/moneybuilder/2011/07/27/how-many-times-will-you-crash-your-car/#911095250f99>. Accessed 9 Jan. 2017.

This guide will focus specifically on Winter Accidents; however, much of the information is general enough that it can apply to any season. Chapter 1 will detail what to do in the initial moments following an accident. Chapter 2 will help you know what to do about your injuries and how to get your car fixed. Chapter 3 will focus on how to work with the insurance company.

For more specific information, we encourage you to speak with a personal injury attorney at the Advocates Law or visit our website, <https://www.utahadvocates.com>. The consultation is free and will likely help you better understand the specific technicalities of your case. It is likely there is some unique, fine point that makes your accident different from the general information presented in this guide. Because the possible outcomes for car accidents are seemingly infinite, this guide will deal with car accidents more generally. The guide is kept intentionally brief to give only the most important information.

What to do Following an Accident

Kevin hurtled forward against his seatbelt as the car behind him slammed into his car. The heavy crunch of the bumper followed by the deep boom of the two cars colliding would be the sound Kevin remembered afterward. This millisecond episode would change the next few weeks and months of his life. Kevin could feel an immediate twinge of pain in his neck from being jolted forward. As he looked around, he noticed his airbags did not deploy. The snow was still falling softly, he noticed that the traffic around him had started to move again. Although his senses had become somewhat heightened during the crash, he now felt disoriented and confused. Kevin tried to jog his memory. What should he do now?

STAY CALM. The initial moments following a crash are undoubtedly tense. Like Kevin, victims are often left feeling disoriented. One of the first things you should do is *stay calm*. Take a deep breath. This will help facilitate clearer thinking and help you make better decisions. If you are not thinking clearly, you might put yourself in danger of colliding with another car, especially if you are on a freeway.

ASSESS YOUR INJURIES. Depending on the accident, injuries may be major or minor. If you have suffered a major injury, do not try to move. Moving, after a major injury, can make it worse. If you are able, try to call an ambulance. Even if you are unsure about the seriousness of your injury, it is better to be safe and call anyway.

CHECK OTHER OCCUPANTS. Make sure that everyone else in the vehicle is okay. If someone requires medical attention, call an ambulance immediately. If someone has a neck/back injury or has become unconscious, *do not* move them until a qualified medical professional arrives.

MOVE TO A SAFE LOCATION. If the accident is not serious, turn on your hazard lights and move the damaged cars to the side of the road to prevent further injury or harm. If you have cones, warning triangles, or flares in your trunk, use them. State Farm Insurance Agency recommends being prepared

by carrying these items (a set of cones, warning triangles, or emergency flares) in your trunk in the case of an emergency.²

CALL THE POLICE. You need to call the police, especially if there is significant property damage, physical injury, or death. Even if the accident is minor, the police report can be important in dealing with your car insurance company. Write down the name and badge numbers of the responding officers. Also, be sure to ask the officer for the report number. Sometimes, depending on conditions, you may need to wait for the police to arrive.

EXCHANGE INFORMATION. Get the name, number, address, driver's license number, license plate, and insurance information of drivers and occupants involved in the accident. You can write this down or enter the information in your cell phone. If the name on the registration is different than the person driving the vehicle, make a note of that relationship. *Do not apologize for anything*, even if you think it might have been your fault. Who was at fault might not be clear to you. If you do apologize, it could be seen as an admission of legal liability for what happened.

GATHER EVIDENCE. If possible, ask witnesses what they saw. Note their name and number. Make some personal notes about the accident too, including damages to vehicles. Taking pictures will help show the damage done to the vehicle and could help insurance adjusters know what your car is worth. If you have been seriously injured, you will want to keep track of your medical records. This includes treatment by any doctors, physical therapists, chiropractors, or other medical professionals. Also, try to keep a record of how the accident has affected your daily life. This includes any missed work days.

INFORM YOUR INSURANCE COMPANY. Tell your insurance company that you have been in an accident as soon as possible. You can call, file a claim online, or even use their app (many insurance companies offer app services). Comply with what they tell you to do and tell them the truth of what happened. Disclose the full extent of your injuries only to your carrier. You will also want to get access to the police report filed, so you can specify who was at fault and who broke which laws. Avoid discussing the incident with people other than your insurer and your attorney. Do not talk to other carriers. Always be careful, these calls will be recorded and can be used against you.

CONSIDER HIRING AN ATTORNEY. If someone was injured in the accident, a personal injury attorney will know what to do. Having an attorney can help maximize your compensation and help pay for your medical bills. At the Advocates Law, we work on a contingency basis. This means that your attorney will receive his/her fee only if you are awarded damages or receive a settlement.

BEING PREPARED BEFORE AN ACCIDENT:

- If you do not have a functioning cell phone, Keep a pen and paper in your glove box to write down insurance information and the number of the police report
- Pack a roadside safety kit. This might include things like a windshield scraper, tire chains, sleeping bags, gloves, shovels, and cat litter (for traction in the snow).

² "What to Do After a Car Accident." *State Farm*, n.d., <https://www.statefarm.com/claims/resources/auto/what-to-do-after-auto-accident>. Accessed 10 Jan. 2017.

- Have important documents with you. Make sure they are easy for you to access. These documents include ID, insurance information, vehicle registration, health care info, etc. You also might want to have a card with any medical information that might be helpful.

Kevin took a deep breath as he surveyed the damage. He gently rubbed his neck to check the damage of the crash. Quickly noticing the cars behind him trying to move into other lanes, Kevin opened his door and signaled to the person who hit him to move with him to the highway's shoulder. Kevin turned on his emergency lights and began to weave his way through traffic to the side of the road.

Kevin zipped up his coat as he got out of his car. The snowfall was not as thick now and looked like it might let up soon. The person who hit him slowly got out of his car and walked over to Kevin. He introduced himself as Marcus. Kevin offered to call the police. He pulled out his phone and dialed 9-1-1. As he was speaking with the operator, Marcus circled the cars assessing the damage.

The operator was sympathetic and understanding. She informed Kevin that it might be a while before a highway patrolman would be on the scene because of the large number of emergency calls they were receiving at that time due to the snow. She encouraged Kevin to exchange insurance information while waiting.

Putting the phone back in his pocket, Kevin asked Marcus for his insurance information. Kevin walked to the passenger side of his car, carefully avoiding oncoming traffic. He got the needed documents from his car and took them to Marcus. Eventually, the highway patrolman arrived and completed a police report.