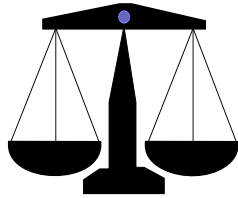


# AUTOMOBILE ACCIDENTS

## UCLA STUDENT LEGAL SERVICES



An automobile accident can be a frightening and upsetting experience. Nevertheless, there are certain steps that you should take to comply with the law and preserve your legal rights.

First, California law requires you to stop and exchange information with the other people involved in the accident. You should obtain the following information for everyone involved in the accident: name, address, telephone number, driver's license number, vehicle license number, and insurance information. Try to learn as much as possible about the other driver's insurance, including the name of the company, the policy number, the extent of coverage, and the name of the agent.

Get the name, address, and telephone number of all people who witnessed the accident. You probably will want to contact them later if there is a dispute as to how the accident happened.

You should make an initial assessment of any personal injuries and property damage resulting from the accident while you are still at the scene. Make a written record of these observations.

Above all, try to remain calm. It generally is advisable not to discuss liability at the scene of the accident, even though it may be tempting to do so in the heat of the moment. Because the issue of liability can be complicated, you should discuss the accident with an attorney before you admit it was your fault.

The Los Angeles police generally do not come to the scene of an accident or make a report unless someone is seriously injured or there is damage to public property. The people involved in the accident, however, are required to file a report of the accident (called an SR-1) with the Department of Motor Vehicles if the accident involves more than \$750.00 of property damage or any personal injuries. If the SR-1 report is filed, all parties to the accident will be required to provide proof of insurance. If you were uninsured on the date of the accident, your driver's license will be suspended for one year.

If you plan to make a claim with your insurance company, you should contact your agent as soon as possible. You also should obtain two or three written estimates for the repair of any damage to your vehicle.

If you are injured, you should seek medical attention immediately. Keep the receipts for all medical treatment, including medications, and maintain a record of all losses you sustain as a result of your injuries (e.g., lost wages).

### Questions asked by UCLA students:

**Question:** *I was in an accident a few weeks ago, and my car was badly damaged. The other driver is insured, although I am not, and his insurance company is paying to repair my car. I just received a notice from the*

*Department of Motor Vehicles that my driver's license has been suspended for one year, even though the accident wasn't my fault. Can they do this?*

**Answer:** California law requires everyone who drives or owns a car to have liability insurance. Liability insurance pays for the damage you cause to another person if you are at fault in an accident. The minimum amount of liability insurance mandated by California law is \$15,000 per person and \$30,000 per accident (e.g., if several people are injured) in bodily injury coverage and \$5,000 for property damage. Liability insurance is different from collision or comprehensive insurance which pays for the damage to your own car. (If you finance the purchase of a car with a loan, the lender generally requires you to buy collision and comprehensive insurance; this **does not** satisfy the legal requirement to have liability insurance.)

If you are in an accident involving any bodily injury or more than \$750 in property damage, you are required to file an accident report with the Department of Motor Vehicles. The accident report, called an SR-1, asks for your insurance information. If you do not have the requisite liability insurance, then your driver's license is suspended for one year, even if you are not at fault in the accident. You may apply to the DMV for a restricted license, which allows you to drive only to school or work and costs \$250. At the end of the one year suspension or restriction, you must show proof of insurance in order to have your license reinstated. In addition, you must show proof of liability insurance in order to register your car each year.

**Question:** *I loaned my car to my boyfriend, and he was in an accident. It was his fault, and the person he hit has hired a lawyer. The lawyer has told me that I'm responsible for paying for the other person's damages. Is this true?*

**Answer:** Unfortunately, the registered owner of a vehicle is liable for damage caused by anyone who is driving the vehicle with the owner's permission. However, the owner's liability is limited by law to \$15,000 per person and \$30,000 per accident for bodily injury and \$5,000 for property damage (which, you may have noticed, are the same amounts as the requisite minimum liability insurance). If you have insurance, you should contact your insurance company immediately and let it handle the claim, particularly since the other driver has a lawyer. Whoever ends up paying the other side, either you or your insurance company, has the right to seek reimbursement from your boyfriend.

**Question:** *Last week, I was hit by someone who ran a red light. My car was totaled, and I am badly injured. I am fully insured, but the woman who hit me is uninsured. What is the best way for me to get the money I need for a new car and to pay for my medical bills? My insurance agent says I should recover under my "uninsured motorist" coverage.*

**Answer:** Your insurance agent is right. From your description of the accident, it sounds like the other driver is responsible for the accident and, accordingly, all of your damages. Without insurance, however, most people have a difficult time paying these damages. Fortunately, because you have uninsured motorist insurance ("UMI"), you do not have to worry about trying to collect from the other driver.

UMI coverage is part of your own insurance, but it pays what the other driver should be paying you for your damages. There is both bodily injury and property damage UMI coverage and, as you are "fully insured," you should have both types. The property damage coverage will pay for the damage to your car. Since your car is deemed "totaled," the cost to repair it exceeds its fair market value. Your insurance will pay you the fair market value of your car and, in most cases, the cost of a rental car while the claim is being processed. The bodily injury coverage will pay for all of your medical costs and lost wages due to the injury. It also will cover "pain and suffering" damages. The amount the insurance company will pay for "pain and suffering" varies with each case, but it is based on the severity and duration of the injury as well as the amount of the medical costs.

**For more information, please visit the Student Legal Services web site: <http://www.studentlegal.ucla.edu>**

**The information contained in this article is of a general nature. If you have a similar problem, you should consult with an attorney. Currently registered UCLA students are encouraged to call Student Legal Services to make an appointment (825-9894). Appointment hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday.**