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FLORIDA AUTO AND MOTORCYCLE ACCIDENT CHECKLIST AND GUIDE



This guide has been created as a general information tool. If you would like specific legal advice for your case contact our office at 407-953-5818 for a free consultation with Attorney Jonathan Torres.

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Accident Checklist & Information Sheet

(Keep this form in your vehicle with your insurance card and car registration handy)

1. CALL 911 if you can or ask someone to call if you cannot and wait for police
2. Ask for medical assistance
3. Go to the Hospital if you are in pain
4. Discuss the accident only with the police
5. Notify your insurance company as soon as possible
6. Take photos or video if possible
7. Talk to witnesses and get their name and number
8. Follow up with chiropractor, orthopedic doctor, or other specialist and follow Hospital's advice for follow up always.

ROAD OR LOCATION:

DATE: _____

TIME: _____

WEATHER: _____

ROAD CONDITIONS: _____

DESCRIPTION OF ACCIDENT:

POLICE OFFICER NAME:

BADGE #: _____

POLICE DEPARTMENT:

TICKETS:

OCCUPANTS OF YOUR VEHICLE:

WITNESSES:

Name	Phone Number
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VEHICLES INVOLVED:

-Vehicle 1:

Year: _____ Make: _____

Model: _____

License Plate: _____

Owner of Vehicle:

Driver's License # of Driver

Any occupants?

Where is Damage?

Insurance Company: _____

Policy Number: _____

--Vehicle 2:

Year: _____ Make: _____

Model: _____

License Plate: _____

Owner of Vehicle:

Driver's License # of Driver

Any occupants?

Where is Damage?

Insurance Company: _____

Policy Number: _____

-Vehicle 3:

Year: _____ Make: _____

Model: _____

License Plate: _____

Owner of Vehicle:

Driver's License # of Driver

Any occupants?

Where is Damage?

Insurance Company: _____

Policy Number: _____

MEDICAL TREATMENT:

Injuries?

Ambulance? _____

Hospital:

Chiropractor:

Orthopedic Dr.:

Other Medical Providers:

**SEEK MEDICAL ATTENTION AND WHEN
POSSIBLE CALL US FOR A FREE
CONSULTATION ABOUT YOUR ACCIDENT
AT 407-953-5818**

LEGAL GUIDE

SECTION 1: WHAT TO DO IN THE EVENT OF AN ACCIDENT?

1. ALWAYS STOP!!! Cannot stress this enough. Stop check for injuries and damage to vehicles and Call 911.

If you leave a scene of an accident with injuries and/or property damage you will be committing a criminal offense. Please do not leave until police arrive. If you cannot stop at the exact scene of the accident and your vehicle can still run turn on your emergency lights and stop on the side of the road or in another safe location. USE YOUR COMMON SENSE. Stay calm and call 911 if possible. If you cannot call, ask someone to call 911 for you.

2. Call 911 and inform operator correctly.

The 911 operator will ask you for specific details such as the street or intersection of the accident, whether there is anyone injured and whether you are requesting an ambulance and paramedics and tow trucks or a fire crew.

DO NOT give a statement of what happened or who was at fault to the 911 operator.

DO provide 911 operator with the location of the accident, if you do not know the intersection give details such as landmarks, highway mile markers, GPS location.

DO provide details of the conditions such as the vehicle is overturned, or I was rear-ended or there is leaking fuel or a downed power line. These things are extremely important.

DO provide details of injury if known at the time. If you do not know how you are injured just indicate the level of pain you are in.

DO provide details as to how many occupants of the vehicle you have and how many vehicles were involved in the accident if you know of course.

In most cases police and other emergency personnel and tow trucks will be dispatched to the scene when there are injuries or if the accident is blocking a road.

There might be occasions when the accident is reported as a no injury accident with minor damage that the police may not be dispatched to the scene.

A. Police Dispatched depends on whether it is within city limits or on a State Highway or within a County.

If an accident occurs within a city, local law enforcement will be dispatched to the scene. If an accident occurs outside city limits, then the County Sheriff's Department will be dispatched. If an accident crash occurs on a State Highway, then the Florida Highway Patrol will be dispatched.

B. Information Exchange in an Accident

Provide your name, address, and vehicle registration information and insurance information. You also must show your driver's license to anyone involved in the crash as well as the responding police officer. Clearly do not get out of your vehicle if you are injured or waiting for an ambulance or if a law enforcement officer tells you to remain in your vehicle.

C. Assisting Others

Florida law requires drivers to offer “reasonable assistance” to anyone who is injured in an accident. Reasonable assistance includes driving or making transportation arrangements to get the injured person to a hospital for medical treatment.

D. If you are injured wait for paramedics

Again, use your common sense. Assess your mobility and your level of pain. Seek medical attention. It is better to be safe than sorry.

Listen to the paramedics and let them assess whether you need to be transported to the hospital for medical treatment.

Insurance companies will argue time and time again that people that do not seek immediate medical treatment after an accident are truly not injured so pay close attention to this.

E. If you crash into a parked car then what?

If you crash into a parked and there is nobody in it, try to locate the owner in the vicinity. This happens a lot in parking lots at grocery stores or malls. YES, WAIT FOR A REASONABLE TIME. If the owner does not show, leave a note underneath the windshield wiper blade (take a photo of it with your phone). Include your name, phone number and address and insurance information and a brief explanation of what happened. You do not want to leave without any explanation. You can be charged with a criminal offense potentially so PLEASE DON'T LEAVE without doing this. You will also have to call the police to report the accident.

3. Report the Accident to Police

Calling 911 will satisfy the immediate notification requirement. Just call the police to come out, it makes everything so much smoother.

The police officer will prepare a crash report, but at times if the accident is minor enough, he will just do a driver's exchange of information only and send people on their way.

If the accident is a hit and run, or involves injuries or death, a drunk driver, or property damage over \$500 and the investigating officer did not file a report, the driver is required to submit a crash report form to the Florida Highway Patrol within 10 days. JUST BE AWARE OF THIS!

A. Reporting online

If a police officer has not prepared a crash report, you can report the accident online. You can visit the [Florida Highway Safety and Motor Vehicles website](#) for more information.

B. Obtaining a copy of an accident report?

Go to the [Florida Highway Patrol Traffic Crash Report](#) website unless the police officer provides you with a specific link to go to obtain the crash report.

4. Police during an Accident Investigation

-Police officers help with coordinating emergency services at the scene, securing vehicles off the road, conducting a full investigation of the facts by taking statements of parties and witnesses, directing traffic, investigating whether someone involved was driving under the

influence, coordinate for vehicle towing, check if there are any outstanding warrants and give traffic tickets as appropriate such as: following too closely, improper lane change, careless driving and the like.

-Police officers make their own conclusions. They do not always get it right though.

-Always identify yourself to police and provide them with your Florida Driver's License, car registration and insurance card. DO NOT volunteer information to police about potential criminal activity or possession of drugs, or for any other action which might result in criminal charges, you have the right not to answer those questions.

-If a police officer gives you a ticket, even if you disagree you will have to sign it if the officer tells you. Signing the ticket does not mean you agree with his/her decision. You can fight the ticket in Court or pay it.

5. TAKE PHOTOS AND VIDEO IF POSSIBLE

I cannot stress this enough! Take pictures and video of injuries if any are visible, damages of all cars involved and the scene of the accident if possible of course.

Take phone numbers and names of witnesses if possible and take a photo of the list.

6. TYPES OF INSURANCE COVERAGE

PLEASE DO NOT GO WITH A CHEAP INSURANCE COMPANY JUST BECAUSE YOU WANT TO SAVE A FEW DOLLARS...YOU WILL REGRET IT I PROMISE YOU.

-Property Damage Coverage: PD coverage covers damages to other vehicle's or property. Florida only requires minimal insurance. Pay attention to this one especially if you are at fault.

-Personal Injury Protection Coverage: PIP coverage covers for medical expenses for you and your covered passengers (if not excluded) up to \$10,000 (for hospital bills, chiropractic treatment, medical treatment, diagnostic testing etc.). There are some policies that have deductibles. PIP also covers for mileage to and from your treating doctors and covers for lost wages. **Please note that Florida requires that a person seek medical treatment within 14 days of an accident.** If you do not your PIP benefits will be denied. So be aware.

-Bodily Injury Coverage: BI coverage covers for bodily injury damages to others.

BI coverage is not mandated in the State of Florida, but just because you are not required to purchase it....WATCH OUT...

If you are the party at fault, your Driver's License may be suspended by DMV due to not having BI coverage on your policy. Your license will be suspended until you obtain a release from the injured party.

If you are not the party at fault, BI coverage covers you for out of pocket medical expenses not covered through PIP and pain and suffering and related damages.

-UM/UIM Coverage: This coverage can be purchased under most insurance policies and covers you and covered passengers (if not excluded) in the event that the at-fault vehicle does not have any BI coverage or the at fault driver has too little coverage. Always good to have.

-Med Pay Coverage: This coverage covers medical bills not covered under PIP coverage. Most policies offer Med Pay coverage from \$1,000 up to \$10,000.

-Collision Coverage: This coverage covers your vehicle in any accident whether you are at fault or not, subject to a deductible. Most car dealers require this as a condition of your auto loan.

-Comprehensive Coverage: This coverage covers for things such as a tree following on your car or if your car sets on fire or the like, subject to a deductible. Again, most car dealers require this as a condition of your auto loan.

-Rental Coverage: Covers for a rental car for up to a certain dollar amount per day and a certain maximum in total. It does not cover insurance on the rental car. I recommend purchasing additional coverage through the rental company just in case.

7. CALLING INSURANCE COMPANIES

NEVER GIVE A RECORDED STATEMENT WITHOUT HIRING AN ATTORNEY! Enough said!

Report the accident to your insurance company first and then to the other parties' insurance. **RULE OF THUMB.**

-Provide vehicle information (year, make and model, license number and VIN number).

-Who was in the vehicle is important to be disclosed to insurance company. Provide full name, address, phone number and FL DL #. If the driver is not the owner of the car, you will need to provide the owner's name and contact information as well.

-Provide names, phone numbers of witnesses.

-Photos or videos of the vehicles.

-Details of location of the accident, time of day, road and weather conditions, location of the cars before and after the collision, approximate speed of the cars, direction each car was headed.

8. HIRING AN ATTORNEY AND INSURANCE CLAIMS PROCESS AND LITIGATION

Florida's no-fault law requires that an injured party seek compensation from their own insurance company first through their PIP coverage before any other source of coverage. In addition to that, an injured party can go after the at-fault driver's insurance for damages when their injuries exceed Florida's "Personal Injury Threshold." To meet this threshold, the victim must have sustained one of the following:

- Loss of an important bodily function
- Permanent injury within a reasonable degree of medical probability
- Significant and permanent scarring or disfigurement
- Death

A. Hire an attorney

Individuals are not treated in the same way as attorneys. By representing yourself you will likely end up settling for an amount much lower than what an attorney could have gotten for you, even after attorney's fees and costs are deducted.

Sometimes attorneys will file lawsuits in claims where insurance companies do not

offer enough to compensate their client for the type of medical bills they have or the type of injury their client has.

The claims process and litigation are complex on several levels, there are legal pleadings, exchange of documents called discovery, depositions, mediation and sometimes trial.

Attorneys charge a percentage ranging from 25% to 40% depending on the case.

When meeting with an attorney, bring a copy of the police report, your ID, medical records and bills, photos, witness information, medical treatment information.

An attorney will guide you through the claims process and litigation.

B. What is the Statute of Limitations to file a lawsuit?

The statute of limitations for an accident in Florida is 4 years since the date of the accident (5 years if you are suing your insurance company under UM/UIM coverage).

9. GENERAL OBSERVATIONS

-ALWAYS MAINTAIN YOUR VEHICLE.

-DON'T TEXT AND DRIVE AND DO NOT DRIVE WHILE UNDER THE INFLUENCE.

-If you are operating a motorcycle always wear a helmet (IT'S THE LAW) and protective gear. Do not be reckless and weave in and out of traffic at high rates of speed. Never refuse medical attention. ALWAYS keep your helmet and clothes from the accident in a plastic container for

evidence. Just do it! Motorcycle insurance policies do not carry PIP coverage as it is not required by law (ask us for more details).

-Obey all traffic laws.

-If you are not taken immediately to the hospital go see an urgent care doctor or your medical doctor ASAP.

-Ask your employer for a written letter about your lost wages, sick leave you have used due to the accident, including overtime or performance bonuses. If you used FMLA, include copies of the paperwork in your accident file. Provide this along with the doctor's note to your attorney.

ATTORNEY JONATHAN TORRES HAS BEEN REPRESENTING ACCIDENT VICTIMS FOR OVER 10 YEARS.



CALL US FOR A FREE CONSULTATION AT 407-953-5818 or visit us at jtorreslaw.com.