

## What To Do When Hurt In An Arkansas Car Accident

### Do I need to hire a lawyer?

No motorist expects to be involved in an [auto accident](#) on any given day, but statistically, most will be in at least one crash in their lifetime. And while some accidents are relatively minor, even a seemingly minor crash can have significant long-term implications. That's why it's so important to be prepared to take action in the aftermath of a collision.

The road to recovery begins immediately after the crash. This report details some of the steps Arkansas motorists and passengers need to take in order to move forward after being hurt in an accident.

### What to do at the accident scene

Safety should be the first priority. Make sure the scene is safe and attend to anyone in immediate danger before taking other action. Contact emergency services right away, especially if anyone is visibly hurt. And be mindful of the risk of another accident happening at the scene, especially on a busy road or highway. Use hazard lights to warn oncoming motorists and stand outside the roadway itself while talking to other people involved.

Remember that leaving the scene of an accident (unless necessary to seek emergency medical attention) is a serious crime in Arkansas. Remain at the scene and exchange contact and insurance information with the other drivers involved. It's best to leave vehicles where they are, but only if it is safe to do so.

One of the most important things to do at the accident scene is to start gathering evidence. Take pictures of the scene itself, damage to the vehicles and any other property, and any visible injuries. Get names and contact information for witnesses as well as the investigating police officer's name and badge number. Take note of the time, the precise location, and the road and weather conditions at the time of the crash.

Just as importantly, you need to know what *not* to do at the accident scene. Keep your comments to others brief and don't say anything that could be construed as admitting fault for the accident. Even an apology, such as "I'm sorry I took my eyes off the road," could seriously impact your ability to recover. Remember that determining fault for the accident is the job of adjusters and investigators after the fact. Immediately following the accident, you are not in a position to judge.

### Interacting with the police

Calling the police to the accident scene is important because it creates a record of the crash: the [Arkansas Motor Vehicle Collision Report](#). Although the report itself is generally not admissible in court if a claim goes to trial, it is nevertheless an important piece of evidence. Insurance companies use the police report to help determine liability for the crash. Moreover, if

the investigating police officer is later called to testify at a deposition or at trial, which may be years later, he or she will likely present the information found in the report.

As soon as possible after being involved in an accident, obtain a copy of the police report and thoroughly scrutinize it to make sure the information is accurate. If the information in the report doesn't match your memory of what happened, you need to contact an attorney to help you set the record straight.

Depending on the circumstances of the accident, the at-fault driver may be arrested for a crime such as driving under the influence. It's important to remember that any criminal charges associated with the accident are separate and distinct from the victim's financial recovery. The role of the police is to deal with offenders, not to get compensation for victims.

### **Notifying the insurance company**

All [auto insurance](#) carriers require that their insured customers notify them of an accident promptly. The exact timeframe varies from insurer to insurer – some set a specific length of time such as 72 or 96 hours, while others merely ask for notification within a reasonable timeframe. Regardless, the safest option is to notify the insurance company promptly.

Again, keep your comments as brief as possible, and only discuss the facts. Anything you say to an insurance company, even your own, can later be used against you. If an insurance company representing another motorist calls you, you are not required to speak to them at all. Their interest is to protect their client and limit exposure to their bottom line.

### **Seeking medical treatment**

The most important thing to do after a car accident is to seek medical attention right away. Many injuries, such as internal injuries, traumatic brain injuries and some neck and spine injuries, have delayed-onset symptoms. A full medical examination is the best step to protect your health.

People injured in auto accidents in Arkansas generally have three options to get their medical bills paid in the event of an accident:

- **Personal injury protection (PIP):** This is an optional type of coverage in Arkansas that pays for certain injury-related expenses, up to the policy limit (usually \$5,000). In Arkansas, insurance companies are required to offer PIP coverage, and if the insured person chooses not to carry it, it must be rejected in writing.
- **Health insurance:** This is most often a necessary means of covering medical expenses before a case is settled or there has been a jury verdict. Some health insurance companies may be reluctant to pay for injuries sustained in a car accident. We are experienced in handling these situations. You have worked hard for health insurance and we expect it to cover you and your family in your time of need.

- **Attorney's medical lien:** This is a "treat now, pay later" option in which the medical provider may agree to wait to be paid until the injured person recovers compensation for his or her medical expenses. It is normally only possible with the help of an attorney.

### **Recovering compensation**

Arkansas is a "fault" state for auto accidents. That means the person responsible for causing a collision, or his or her insurance company, is responsible for compensating people injured in the accident. This gives people injured in an accident three options to recover compensation:

- File a "first-party" claim with their own insurance carrier, which will then in turn seek compensation from the at-fault driver's insurance company.
- File a "third-party" claim directly with the at-fault driver's insurance carrier.
- File an injury lawsuit against the at-fault driver.

Car accidents can have significant long-term financial implications for victims. Some of the types of damages (financial compensation) that can be sought after a car accident in Arkansas include:

- Medical expenses, including hospital bills, prescription medications, medical devices, and even travel expenses to get to and from appointments;
- Lost wages and lost future earnings if the victim is unable or less able to work;
- Modifications to the victim's home or vehicle to accommodate a disability;
- Replacement household services, such as cleaning, yard work or childcare;
- Pain and suffering, loss of quality of life, and other non-economic damages;
- Property damage, including the diminished value of a vehicle involved in the accident.

The best car accident lawyers know how to help build a strong case for all of the compensation that their clients need, not just short-term costs. Even for people who aren't sure whether they want to hire an attorney, sitting down with an experienced car accident lawyer for a free consultation can make it much easier to understand the compensation available – and the potential routes to recover that compensation. If you have a significant injury, do not go at it alone. The insurance companies are protecting their own interests only. You should, too.

### **For more information**

Contact [McDaniel Law Firm, PLC](#), an Arkansas law firm with extensive experience handling car accidents and other complex injury cases. The firm is based in Jonesboro, AR and represents injured people statewide.